THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 15, 2015

Assembly called to order at 2:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

Help us this day to recognize the lies of our current culture. Just because we disagree with someone, it doesn't mean we fear them or hate them. And when we say we love someone, it doesn't mean we have to agree with all they do or believe. We do not have to compromise our convictions to be compassionate. So help us, Lord, to understand what true compassion looks like and may we live it out boldly. In the mighty name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 275, 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 166, 178, 221, 278, 285, 374, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 25, 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 91, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 66, 225, 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 78, 377, 448.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 54, 56, 154, 155, 160, 268, 304, 348, 409, 417, 453.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 47, 112, 232.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved that Assembly Bill No. 449 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 310, 352, 463, 480, 481; Assembly Joint Resolution No. 8; Senate Bill No. 505 be taken from their positions on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 262, 263, 267, 270, 370, 375, 413, 414, 419, and 435 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 67, 159, 297, 320, 429; Assembly Joint Resolution No. 1 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 9.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 47.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 54.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 56.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 78.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 112.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 154.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 155.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 160.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 232.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 268.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 348.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 377.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 409.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 417.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 448.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 453.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 310.

Bill read second time and ordered to third reading.

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

Assembly in recess at 2:41 p.m.

ASSEMBLY IN SESSION

At 2:48 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 543.

SUMMARY—Revises provisions relating to ~~[permits to carry]~~ concealed firearms. (BDR 15-1070)

AN ACT relating to concealed firearms; ~~[exempting a peace officer from payment of the fees to obtain a permit to carry a concealed firearm; clarifying certain]~~ **revising the** provisions ~~[of law concerning]~~ **governing** the carrying of a concealed firearm while on the premises of any public building; ~~[deleting certain provisions relating to the registration of firearms capable of being concealed;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, an applicant for a permit to carry a concealed firearm must pay: (1) a nonrefundable fee for a sheriff to obtain a report from the Federal Bureau of Investigation concerning the criminal history of the applicant and a report from the National Instant Criminal Background Check System; and (2) a nonrefundable fee set by the sheriff not to exceed $60. (NRS 202.3657) Section 1 of this bill exempts peace officers from the payment of such fees.]~~

Existing law ~~[authorizes]~~ **prohibits** a person who holds a permit to carry a concealed firearm ~~[to carry]~~ **from carrying** a concealed firearm while he or she is on the premises of any public building ~~[, with certain exceptions.]~~ **that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building.** (NRS 202.3673) **Section 2** of this bill ~~[clarifies that such a provision of law must not be construed to prohibit a person from carrying a firearm that is not~~

~~concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.~~

~~Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 3-6 of this bill delete the provisions requiring certain political subdivisions of this State to make such amendments.~~**] provides that the carrying of a concealed firearm in any public building is prohibited if the building has both a metal detector and a sign at each public entrance indicating that no firearms are allowed in the building.**

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

Section 1. **[**~~NRS 202.3657 is hereby amended to read as follows:~~

~~202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.~~

~~2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.~~

~~3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and~~

~~(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:~~

~~(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or~~

~~(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.~~

~~Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff~~

~~determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.~~

~~4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:~~

~~(a) Has an outstanding warrant for his or her arrest.~~

~~(b) Has been judicially declared incompetent or insane.~~

~~(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.~~

~~(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:~~

~~(1) Convicted of violating the provisions of NRS 484C.110; or~~

~~(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.~~

~~(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.~~

~~(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.~~

~~(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.~~

~~(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.~~

~~(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:~~

~~(1) Withholding of the entry of judgment for a conviction of a felony; or~~

~~(2) Suspension of sentence for the conviction of a felony.~~

~~(j) Has made a false statement on any application for a permit or for the renewal of a permit.~~

~~5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.~~

~~6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit~~

~~has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.~~

~~7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:~~

~~(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;~~

~~(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;~~

~~(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;~~

~~(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;~~

~~(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;~~

~~(f) [A] *Except as otherwise provided in subsection 8, a* nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and~~

~~(g) [A] *Except as otherwise provided in subsection 8, a* nonrefundable fee set by the sheriff not to exceed $60.~~

~~*8. A peace officer is exempt from payment of the fees authorized by paragraphs (f) and (g) of subsection 7. As used in this subsection, "peace officer" includes any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance ~~[or]~~ ***and*** a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. ~~*[This section must not be construed to prohibit a person from carrying a firearm that is not concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.*~~

~~*— 7.]*~~ As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. ~~[NRS 244.364 is hereby amended to read as follows:~~

~~— 244.364 — 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation,~~

~~registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~[3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~ ***] As*** ~~used in this [section:~~

~~(a) "Firearm"~~ ***] subsection, "firearm"*** ~~means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~[(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 268.418 is hereby amended to read as follows:~~

~~268.418 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~[3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~ ***] As*** ~~used in this [section:~~

~~— (a) "Firearm"~~**]** ***subsection, "firearm"*** ~~means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~— **[**(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.~~**]]** **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 269.222 is hereby amended to read as follows:~~

~~— 269.222 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~— 2. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~— **[**3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~— (a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~— (b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~— 4. Except as otherwise provided in subsection 1, as~~**]** ***As*** ~~used in this~~ **[**~~section:~~

~~— (a) "Firearm"~~**]** ***subsection, "firearm"*** ~~means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~— **[**(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.~~**]]** **(Deleted by amendment.)**

Sec. 6. ~~**[**Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:~~

~~— Sec. 5. **[**1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~— 2.**]** The provisions of this act **[**, as amended on October 1, 2007,**]** apply to ordinances or regulations adopted before, on or after June 13, 1989.**]**~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Carlton, Ellison, Wheeler, Fiore, and Seaman.

ASSEMBLYMAN HANSEN:

This amendment deletes all of the bill except for one section and limits the prohibition on carrying concealed firearms in a public building to those with both metal detectors and a posted sign that no firearms are allowed.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Amendment 543 to Assembly Bill 352. The plain reading of this amendment gives me concern when it says, ". . . provides that the carrying of a concealed firearm in any public building is prohibited if the building has both a metal detector and a sign . . . ." The key word is "and." Currently, we are under a signage system. This would mean that the possibility of someone wanting to restrict this would have to purchase a metal detector.

I understand it is not a mandate. It is an option, but I can see the scenario where someone within our jurisdiction—a public building—will come to the Interim Finance Committee [IFC] and say We want to make sure our employees are safe and that our customers are safe, and we are requesting funds for a metal detector. This would not just be the piece of equipment, but it would also be the personnel that goes along with it. It would probably be three people, depending upon the business hours, unless it is someone who has longer business hours, it could be four or five people. My concern is that by passing this amendment as is, we on IFC will be put in a position of choosing between a piece of equipment and the safety of our employees. We know we will choose the safety of our employees first, and that will have a fiscal impact on this state because we will be required to pay for this. I understand there is no mandate. I understand there is no fiscal note. I am just saying I can picture the day when someone is going to come and ask for the money for this. That is why I am in opposition to this amendment.

ASSEMBLYMAN ELLISON:

I rise in support of Amendment 543. Right now under Nevada law, you can open carry in any of these buildings. What this amendment does is allow you to conceal that weapon if you have a concealed weapon permit. That is all this law does. With me today I have a newspaper article. It was a notification that went out to the employees of the Department of Motor Vehicles [DMV]. It says Open carry firearms at DMV, constituent courtesies, Flamingo Office. Saturday, December 17, 2011, a customer attempted to enter the building while open carrying a firearm. He was stopped by the security guards, and the decision to bar him from the building was supported by a supervisor. Metro officers were on the way to the office regarding another incident and informed the security guard and supervisor that there is no law prohibiting the customer from openly carrying a firearm in a state building. This has been challenged over and over again. What we are asking is for people who have a concealed weapon permit to not open carry but to conceal the firearm. That is what we are asking for.

ASSEMBLYMAN WHEELER:

I rise in support of Amendment 543 to Assembly Bill 352. I understand the concerns of my colleague from District 14. However, I want to make it clear to everyone in the room that we are not mandating that anyone put in a metal detector in order to stop people from walking in as she said. But one of the things that strikes me is that we make decisions in this body every single day. Having someone come back to ask us to make a decision on whether they should put a metal detector in or not is our job. That is what we do. So I see absolutely no problem with us continuing to make a decision, whether it be in the interim or whether it be here in this body today.

ASSEMBLYWOMAN FIORE:

I rise in support of Amendment 543. This bill does not require anyone to install metal detectors. All this bill does is allow a person with a concealed firearm permit to carry a firearm in the same places where it is already legal to openly carry a firearm. Under current law a person with a valid CCW permit is required by law to openly carry their firearm when they enter the DMV or other public buildings. Firearms are not currently prohibited in these buildings; only concealed carry is

prohibited. For these people who have gone through the trouble of getting a concealed firearm permit, they should be allowed to carry their firearm concealed in the same places that every other Nevadan citizen can open carry their firearm under current law. Essentially, this bill does nothing more than remove the ban on jackets covering lawful firearms in public buildings for people with concealed firearm permits.

ASSEMBLYWOMAN SEAMAN:

This is something from the opinion of our own Legislative Counsel Bureau [LCB] that I would like to state and rise in support of A.B. 352:

Because there is no general statutory prohibition against the open carry of firearms in a public building, it is the opinion of this office that the open carry of firearms is not prohibited in a public building unless otherwise prohibited by a specific statute such as NRS 202.265 or NRS 218A.905. We would note, however, that not all portions of a public building are necessarily open to access by the public, and persons who are openly carrying firearms are not, therefore, authorized to carry firearms in all portions of a public building.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time and ordered to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Senate Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 96.

AN ACT relating to prisoners; providing that an employee of or a contractor or volunteer for a prison commits sexual abuse of a prisoner **or unauthorized custodial conduct** if he or she voluntarily engages **or attempts to engage** in certain acts with certain prisoners in lawful custody or confinement; revising provisions relating to voluntary sexual conduct between certain prisoners in lawful custody or confinement and other persons; providing ~~[a penalty;]~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a prisoner who: (1) is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety or residential confinement; and (2) voluntarily engages in sexual conduct with another person is guilty of a category D felony. (NRS 212.187) Under federal regulations adopted pursuant

to the Prison Rape Elimination Act of 2003 (42 U.S.C. §§ 15601 et seq.), which set forth national standards relating to the Act, an agency with direct responsibility for the operation of any facility that confines inmates, detainees or residents is authorized to discipline an inmate in an adult prison or jail or a resident of a community confinement facility or juvenile facility for sexual contact with a staff member of the agency only if the staff member did not consent to the contact. (28 C.F.R. §§ 115.78, 115.278, 115.378) Accordingly, **section 7** of this bill revises existing law to provide that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony.

Existing law also provides that a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation or residential confinement, is guilty of a category D felony. (NRS 212.187) **Section 6** of this bill provides that an employee of or a contractor or volunteer for a prison ~~[commits sexual abuse of a prisoner if he or she]~~ **who** voluntarily engages **or attempts to engage** in certain acts with such a prisoner, regardless of whether the prisoner consents to the act ~~[.]~~ **, commits either sexual abuse of a prisoner or unauthorized custodial conduct, depending on the type of act.** Such an employee, contractor or volunteer who commits **: (1)** sexual abuse of a prisoner is guilty of a category D felony ~~[.]~~ **; (2) unauthorized custodial conduct by engaging in certain acts is guilty of a gross misdemeanor; or (3) unauthorized custodial conduct by attempting to engage in certain acts is guilty of a misdemeanor.** The ~~[definition]~~ **definitions** of the ~~[term]~~ **terms** "sexual ~~[abuse,"]~~ **abuse" and "unauthorized custodial conduct,"** as ~~[it is]~~ **they are** used in **section 6**, ~~[is]~~ **are** based on the definition **of the term "sexual abuse" as it is** used for purposes of the federal regulations adopted pursuant to the Prison Rape Elimination Act. (28 C.F.R. § 115.6)

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

Section 1. Chapter 212 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in NRS 212.140 to 212.189, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. "***Contractor" means a person who provides services on a recurring basis to a prison pursuant to a contractual agreement with the Department of Corrections or the sheriff, chief of police or other officer responsible for the operation of the prison.***

Sec. 4. "***Employee" means a person who works directly for a prison.***

Sec. 5. "***Volunteer" means a person who donates his or her time and effort on a recurring basis to a prison to enhance the activities and programs of the prison.***

Sec. 6. *1. An employee of or a contractor or volunteer for a prison ~~[commits sexual abuse of a prisoner if he or she]~~ who voluntarily engages in, or attempts to engage in , ~~[any of the acts set forth in subsection 3]~~ with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement ~~[.]~~ , any of the acts set forth in:*

(a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

(b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.

2. Unless a greater penalty is provided pursuant to any other applicable provision of law, an employee of or a contractor or volunteer for a prison who commits ~~[sexual]~~ :

(a) Sexual abuse of a prisoner is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Unauthorized custodial conduct by engaging in any of the acts described in paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

(c) Unauthorized custodial conduct by attempting to engage in any of the acts described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

3. As used in this section ~~[, "sexual]~~ :

(a) "Sexual abuse":

~~[(a)]~~ (1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

~~[(1)]~~ (I) Sexual intercourse or anal intercourse, including penetration, however slight;

~~[(2)]~~ (II) Fellatio, cunnilingus or contact between the mouth and the anus;

~~[(3) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;~~

~~(4)~~ (III) Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

~~[(5)]~~ (IV) Any other intentional contact with a prisoner's ~~[clothed or]~~ unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

~~[(6) Any attempt, threat or request by an employee or a contractor or volunteer to engage in any act described in subparagraphs (1) to (5), inclusive;~~

~~(7) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner; or~~

~~*(8) Invading the privacy of a prisoner. As used in this subparagraph, "invading the privacy of a prisoner" includes, without limitation:*~~

~~*(I)*~~ *(V) Watching a prisoner change clothing or use a shower, toilet or urinal;*

~~*[(II)*~~ *(VI) Requiring a prisoner to expose his or her genitals, buttocks or breasts; or*

~~*[(III)*~~ *(VII) Capturing an image of the private area of a prisoner in violation of NRS 200.604.*

~~*[(b)*~~ *(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the ~~[necessary]~~ official duties of such an employee, contractor or volunteer.*

(b) "Unauthorized custodial conduct":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(II) Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(III) Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or

(IV) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

Sec. 7. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person ***who is not an employee of or a contractor or volunteer for a prison*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in section 6 of this act, a*** person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of ***or a contractor or volunteer for*** the ~~[~~institution~~]~~ ***prison*** in which the prisoner is confined that are performed to carry out the necessary duties of such a person ***,*** ~~[~~or~~]~~ employee ~~[.]~~ ***, contractor or volunteer.***

Sec. 8. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[~~A~~]~~ ***Unless a greater penalty is provided pursuant to section 6 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment defines unauthorized custodial conduct and clarifies the definition of sexual abuse. It clarifies that an employee, contractor, or volunteer for a prison who voluntarily engages or attempts to engage in certain acts with a prisoner, regardless of consent, commits sexual abuse. Lastly, an employee, contractor, or volunteer for a prison who engages in unauthorized custodial conduct is guilty of a gross misdemeanor or a misdemeanor depending on the acts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 358.

AN ACT relating to special fuels; revising the definition of "special fuel dealer" for the purpose of provisions relating to taxes imposed on special fuels; revising the amount of the tax imposed on the sale or use of liquefied petroleum gas and compressed natural gas; revising provisions governing the conversion of volumetric measurements of liquefied petroleum gas and liquefied natural gas for the purpose of the taxation of the sale or use of

liquefied petroleum gas and liquefied natural gas; revising provisions governing the content of certain tax returns filed with the Department of Motor Vehicles by a special fuel dealer or special fuel manufacturer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "special fuel dealer" for the purposes of imposing taxes on the sale or use of special fuels in this State to specify that the term includes a person who sells liquefied natural gas and delivers such fuel into the tank for the supply of fuel of a motor vehicle that is not owned or controlled by that person. **Section 2** of this bill revises the amount of the tax imposed on the sale or use of liquefied petroleum gas and compressed natural gas.

Section 3 of this bill amends the factors for the conversion of volumetric measurements for purposes of taxing the sale or use of liquefied petroleum gas and liquefied natural gas.

Section 4 of this bill provides that the tax returns which must be filed with the Department of Motor Vehicles by a special fuel dealer or special fuel manufacturer must report all quantities of special fuel in gallons.

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

Section 1. NRS 366.062 is hereby amended to read as follows:

366.062 "Special fuel dealer" means a person who sells compressed natural gas ***, liquefied natural gas*** or liquefied petroleum gas and delivers any part thereof into the tank for the supply of fuel of a motor vehicle that is not owned or controlled by that person.

Sec. 2. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels, including, without limitation:

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed ***:*** ~~[~~~~at:~~~~]~~

(a) ~~[~~~~The rate of 19 cents per gallon on~~~~]~~ ***On*** the sale or use of an emulsion of water-phased hydrocarbon fuel ~~[~~~~;~~~~]~~ ***at the rate of 19 cents per gallon;***

(b) ~~[~~~~The rate of 22 cents per gallon on~~~~]~~ ***On*** the sale or use of liquefied petroleum gas ~~[~~~~;~~~~]~~ ~~*:*~~

~~*(1) For the period beginning on July 1, 2015, and ending on June 30, 2016, at the rate of 1.86 cents per gallon;*~~

~~*(2) For the period beginning on July 1, 2016, and ending on June 30, 2017, at the rate of 3 cents per gallon;*~~

~~*(3) For the period beginning on July 1, 2017, and ending on June 30, 2018, at the rate of 4.14 cents per gallon;*~~

~~*(4) For the period beginning on July 1, 2018, and ending on June 30, 2019, at the rate of 5.28 cents per gallon; and*~~

~~*(5) On and after July 1, 2019,]*~~ ***at the rate of 6.4 cents per gallon;*** and

(c) ~~[The rate of 21 cents per gallon on]~~ ***On*** the sale or use of compressed natural gas ~~[.:~~

~~*(1) For the period beginning on July 1, 2015, and ending on June 30, 2016, at the rate of 16.6 cents per gallon;*~~

~~*(2) For the period beginning on July 1, 2016, and ending on June 30, 2017, at the rate of 18.8 cents per gallon; and*~~

~~*(3) On and after July 1, 2017,]*~~ ***at the rate of 21 cents per gallon.***

Sec. 3. NRS 366.197 is hereby amended to read as follows:

366.197 For the purpose of taxing the sale or use of:

1. Compressed natural gas, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.

2. Liquefied petroleum gas, ~~[125 *36.6]*~~ ***36.3*** cubic feet ***or 4.2 pounds*** of ~~[natural gas or]~~ liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

3. Liquefied natural gas, 6.06 pounds of liquefied natural gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. NRS 366.386 is hereby amended to read as follows:

366.386 1. On or before the last day of the month following each reporting period, a special fuel dealer or special fuel manufacturer shall file with the Department a tax return for the preceding reporting period, regardless of the amount of tax collected, on a form prescribed by the Department.

2. The tax return must:

(a) Include information required by the Department for the administration and enforcement of this chapter; ~~[and]~~

(b) ***Report all quantities of special fuel in gallons; and***

(c) Be accompanied by a remittance, payable to the Department, for the amount of the tax due.

3. Except as otherwise provided in this subsection, the reporting period for a special fuel dealer or special fuel manufacturer is a calendar month. Upon application by a special fuel dealer or special fuel manufacturer, the Department may assign to the special fuel dealer or special fuel manufacturer for a specific calendar year:

(a) A reporting period consisting of that entire calendar year if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell not more than 200 gallons of special fuel in this State each calendar month of that reporting period.

(b) Two reporting periods consisting of 6 consecutive calendar months, commencing on the first day of January and July, respectively, if the

Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 200 gallons but not more than 500 gallons of special fuel in this State each calendar month during those reporting periods.

(c) Four reporting periods consisting of 3 consecutive months, commencing on the first day of January, April, July and October, respectively, if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 500 gallons but less than 5,000 gallons of special fuel in this State each calendar month during those reporting periods.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 358 to Assembly Bill 32 makes several changes to the bill, including revising the tax rate on liquefied petroleum to 6.4 cents per gallon, effective July 1, 2015. It also restores the tax rate on compressed natural gas to 21 cents per gallon, effective July 1, 2015. It revises the conversion rate on LPG from 36.6 cubic feet per gallon to 36.3 cubic feet per gallon and specifies that the tax return submitted to the Department of Motor Vehicles properly reports all special fuel sold in gallons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 190.

SUMMARY—Revises provisions relating to notaries public**_ ~~[.]~~ and document preparation services.** (BDR 19-445)

AN ACT relating to ~~[notaries public;]~~ **public affairs;** making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; revising the definition of "document preparation service" to exclude certain nonprofit organizations, commercial resident agents and collection agencies; making various changes relating to the regulation of document preparation services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits persons with certain criminal convictions from becoming notaries public and provides for the revocation of the appointment of notaries public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1 and 6** of this bill clarify that those convictions include a

conviction that follows a plea of nolo contendere or no contest. **Section 1 also prohibits the Secretary of State from appointing as a notary public a person whose previous appointment as a notary public in this State or another state has been revoked for cause.**

Existing law prohibits a person who has not been appointed as a notary public from representing himself or herself as a notary public. (NRS 240.010) **Section 1** expands this prohibition to include those persons whose appointment has expired or been suspended or revoked, and provides a civil penalty for such a violation.

Existing law requires that applicants for appointment as notaries public complete 4 hours of instruction relating to the functions and duties of notaries public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and requires an examination. **Section 3** also requires a person renewing his or her appointment as a notary public to retake the course, and allows the Secretary of State to require a notary public who has violated any provision of chapter 240 of NRS to retake the course. ~~[Finally,]~~ **Additionally, section 3** authorizes the Secretary of State to use an outside vendor to administer the course and examination. **Section 6.5 of this bill makes similar conforming changes to the course and examination requirements for an electronic notary public.**

Existing law prohibits certain actions by notaries public. (NRS 240.075) **Section 4** of this bill prohibits a notary public from ~~[applying]~~ **affixing** his or her stamp to any document which does not contain a notarial certificate.

Existing law prohibits the use of the Spanish term "notario" or "notario publico" in any signage or advertisement by a notary public who is not also an attorney licensed to practice law in this State. (NRS 240.085) **Section 5** of this bill extends this prohibition to the employers of notaries public, and requires the imposition of a civil penalty for violating such a prohibition.

Existing law requires that a person who wishes to register a documentation preparation service must be a citizen or legal resident of the United States. (NRS 240A.100) **Section 9** of this bill allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register a documentation preparation service. **Section 9** also provides that an application for registration that is not completed within 6 months must be denied. **Finally, section 9 prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this State or another state has been revoked for cause.**

Existing law exempts certain persons from registering as a documentation preparation service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit organizations and commercial registered agents are not required to register and adds collection agencies to the list of such persons.

Existing law requires that a document prepared by a documentation preparation service must include the name, address, phone number and registration number of the document preparation service. (NRS 240A.200) **Section 11** of this bill deletes this requirement but requires a document

preparation service to provide this information on any document on which the information is requested.

Section 7 of this bill specifically authorizes the Secretary of State to inspect the documents required to be maintained by document preparation services to ensure compliance with the law.

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

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State ***or another state*** has been revoked ~~[.]~~ ***for cause.***

(c) Who, except as otherwise provided in subsection 3, has been convicted of ~~[.]~~ ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:***

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

➥ if the Secretary of State is aware of such a conviction ***or plea*** before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted ***or entered a plea*** is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter ~~[.]~~ ***, or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing.***

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. ***Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than $2,000 for each violation, plus reasonable attorney's fees and costs.***

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 ~~[.]~~ ***and recover any penalties, attorney's fees and costs.***

Sec. 2. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his or her civil rights.

(e) Have completed a course of study pursuant to NRS 240.018.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is licensed pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➥ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of

appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 3. NRS 240.018 is hereby amended to read as follows:

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study ~~[must]~~ ***:***

(1) Must include at least ~~[4]~~ ***3*** hours of instruction ***and an examination*** relating to the functions and duties of notaries public ~~[.]~~ ***; and***

(2) May be conducted in person or online by the Secretary of State or a vendor approved by the Secretary of State.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public ***.*** ~~[, if the appointment has expired for a period greater than 1 year.]~~

(c) A person ~~[renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.~~

~~➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.]~~ ***who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

(a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

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

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the

expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

11. Affix his or her stamp to any document which does not contain a notarial certificate.

Sec. 5. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

> I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises his or her

services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

(c) Assess a civil penalty of not more than $2,000 for each violation.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than $2,000.

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of the notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than $2,000 for each violation.

7. The employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than $2,000.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than $2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.5. **NRS 240.195 is hereby amended to read as follows:**

240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons ~~[must]~~ ***are required to enroll in and*** successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public ***;*** ~~[if the appointment as an electronic notary public has been expired for a period of more than 1 year;]~~ and

(c) A person ~~[renewing his or her appointment as an electronic notary public if, during the 4 years immediately preceding the application for renewal, the Secretary of State took action against the person pursuant to NRS 240.150 for failing to comply with any provision of this chapter or any regulations adopted pursuant thereto.~~

~~4. A person renewing his or her appointment as an electronic notary public need not successfully complete a course of study as required pursuant to subsection 1 if the appointment as an electronic notary public has been expired for a period of 1 year or less.]~~ ***who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

3. A course of study required to be completed pursuant to subsection 1 must:

(a) Include at least 3 hours of instruction;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Include an examination of the course content;

(d) Comply with the regulations adopted pursuant to NRS 240.206; and

(e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

(a) Provide such a course of study; and

(b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section ~~[must]~~ ***:***

(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.

(b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.

6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 7. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.

Sec. 8. NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization ***formed pursuant to title 7 of NRS*** which ~~[qualifies as]~~ ***the Secretary of the Treasury has determined is*** a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent ~~[.]~~ ***while carrying out his or her duties as a commercial registered agent pursuant to chapter 77 of NRS or acting within the scope of those duties.***

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any

regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

3. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 9. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States ***or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services,*** and ***be*** at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service ***in this State or another state*** has previously been revoked ~~[by the Secretary of State;]~~ ***for cause;***

(c) Who has previously been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving theft, fraud or dishonesty;

(2) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

5. An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.

Sec. 10. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. ***The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services must expire on the date on which that person's employment authorization expires.***

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[3.]~~ ***4.*** After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 11. NRS 240A.200 is hereby amended to read as follows:

240A.200 ~~[Any]~~ ***If a*** document prepared for a client by a registrant ~~[must include, below any required signature of the client,]~~ ***includes a place on the document for the registrant to provide information, including, without limitation,*** the name, business address ***,*** ~~[and]~~ telephone number and registration number of the registrant ~~[.]~~ ***, the registrant shall include the requested information on the document.***

Sec. 12. **1.** The provisions of NRS 240.018, as amended by section 3 of this act, do not apply to a notary public whose appointment as a notary public expires before ~~[October]~~ **July** 1, 2015.

2. The provisions of NRS 240.195, as amended by section 6.5 of this act, do not apply to an electronic notary public whose appointment as an electronic notary public expires before July 1, 2015.

Sec. 13. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment prohibits the Secretary of State from appointing as a notary public or a document preparation server a person whose previous appointment as a notary public in this state or another state has been revoked for cause. It prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this state or another state has been revoked for cause, and it 33makes conforming changes to the course and examination requirements for an electronic notary public.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 81.

Bill read second time.

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

Amendment No. 125.

AN ACT relating to specialty court programs; revising provisions governing programs of treatment for the abuse of alcohol or drugs; defining the term "treatment provider"; replacing **certain** references to a facility for the treatment of alcohol or drugs with the term "treatment provider"; authorizing a court to allow a person to complete treatment for the abuse of alcohol or drugs under the supervision of a treatment provider in another jurisdiction in certain circumstances; **requiring a treatment provider to comply with the requirements of a specialty court in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in certain circumstances, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs before he or she is sentenced. (NRS 458.300) If the court finds that the person is eligible to make such an election, the court is required to hold a hearing before it sentences the person to determine whether the person should receive treatment under the supervision of a state-approved facility for the treatment of alcohol or drugs. (NRS 458.310) **Section 11** of this bill ~~[replaces the term "facility" for the purposes of chapter 458 of NRS with the term "treatment provider" and]~~ defines **the term** "treatment provider" as ~~[a person or]~~ a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, ~~[or]~~ voluntary organization which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services ~~[.]~~ **, or a licensed or certified psychologist, marriage and family therapist, social worker or alcohol, drug and gambling counselor. Sections 12-19 and 21-24** of this bill replace **certain** references to the term "facility" in chapter 458 of NRS with the term "treatment provider." ~~[Section]~~ **Sections 9, 10 and 26.5** of this bill ~~[provides]~~ **provide** that if a court places a person under

the supervision of a treatment provider to receive treatment, the court may, in certain circumstances, authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction. ~~[Section]~~ **Sections 9 and 21** ~~[revises]~~ **revise** the duties of the court when the court offers the election of a treatment program to a person. **Section 22 provides that if a person makes such an election to participate in a treatment program and the court has a specialty court for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court.**

Existing law also allows certain offenders found guilty of driving under the influence of alcohol or a prohibited substance to apply to the court to undergo a program of treatment for alcoholism and drug abuse. (NRS 484C.320, 484C.330, 484C.340) **Sections 27-34** of this bill replace the term "treatment facility" for the purposes of chapter 484C of NRS with the term "treatment provider." **Sections 28-30** also revise the duties of the court upon determining that an application for treatment should be granted.

~~[Additionally, existing law generally sets forth provisions relating to medical facilities and related entities. (Chapter 449 of NRS) Section 35 of this bill repeals the section that defines the term "facility for the treatment of abuse of alcohol or drugs" for the purposes of chapter 449 of NRS, and section 1 of this bill adds a new definition of the term "treatment provider." Sections 3-7 of this bill replace references to the term "facility for the treatment of abuse of alcohol or drugs" in chapter 449 of NRS with the term "treatment provider."]~~

Sections 8, 9, 25 and 26 of this bill generally replace references to facilities for the treatment of abuse of alcohol or drugs in other chapters of NRS with the term "treatment provider."

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

Section 1. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Treatment provider" has the meaning ascribed to it in NRS 458.010.]~~* **(Deleted by amendment.)**

Sec. 2. ~~[NRS 449.001 is hereby amended to read as follows:~~

~~449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 449.0045 is hereby amended to read as follows:~~

~~449.0045 "Facility for the dependent" includes:~~

~~1. A [facility for the treatment of abuse of alcohol or drugs;]~~ ***treatment provider;***

~~2. A halfway house for recovering alcohol and drug abusers;~~

~~3. A facility for the care of adults during the day;~~

~~4. A residential facility for groups;~~

~~5. An agency to provide personal care services in the home;~~
~~6. A facility for transitional living for released offenders; and~~
~~7. A home for individual residential care.~~**] (Deleted by amendment.)**

Sec. 4. ~~[NRS 449.0055 is hereby amended to read as follows:~~
~~449.0055 1. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a~~ **[**~~facility for the treatment of abuse of alcohol or drugs.~~**]** ***treatment provider.***
~~2. As used in this section, "person who has been released from prison" means:~~
~~(a) A parolee.~~
~~(b) A person who is participating in:~~
~~(1) A judicial program pursuant to NRS 209.4886 or 213.625; or~~
~~(2) A correctional program pursuant to NRS 209.4888 or 213.632.~~
~~(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.~~
~~(d) A person who has been released from prison by expiration of his or her term of sentence.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 449.089 is hereby amended to read as follows:~~
~~449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:~~
~~(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, or the standards and regulations adopted by the Board;~~
~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~
~~(c) Conformed to all applicable local zoning regulations.~~
~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. §~~ **[**~~482.66~~**]** ***482.58*** ~~or, if residential services are provided to children, a medical facility or~~ **[**~~facility for the treatment of abuse of alcohol or drugs~~**]** ***treatment***

~~***provider*** must include, without limitation, a statement that the facility, hospital, agency, program **, [**or**]** home ***or treatment provider*** is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.~~

~~3. Each reapplication for an agency to provide personal care services in the home, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency or home are in compliance with the provisions of NRS 449.093.**]*** **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 449.119 is hereby amended to read as follows:~~

~~449.119 As used in NRS 449.119 to 449.125, inclusive, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § **[**482.66**]*** ***482.58*** ~~or, if residential services are provided to children, a medical facility or **[**facility for the treatment of abuse of alcohol or drugs.**]*** ***treatment provider.]*** **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 449.121 is hereby amended to read as follows:~~

~~449.121 1. Except as otherwise provided in subsection 2, the provisions of NRS 449.119 to 449.125, inclusive, and 449.174 do not apply to any **[**facility for the treatment of abuse of alcohol or drugs.**]*** ***treatment provider.***

~~2. A **[**facility for the treatment of abuse of alcohol or drugs**]*** ***treatment provider*** ~~must comply with the requirements of NRS 449.119 to 449.125, inclusive, and 449.174 if the **[**facility for the treatment of abuse of alcohol or drugs**]*** ***treatment provider*** ~~provides residential services to children.**]*** **(Deleted by amendment.)**

Sec. 8. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160,

453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by ~~[an approved facility for the treatment of abuse of drugs]~~ ***a treatment provider approved by the court*** to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580. ***As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.***

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Sterile hypodermic device program" has the meaning ascribed to it in NRS ~~[439.943.]~~ ***439.986.***

Sec. 9. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a person to an appropriate ~~[facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department.]~~ ***treatment provider.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require ~~[frequent urinalysis]~~ ***random testing or screening*** to determine that the person is not using a controlled substance. ~~[The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.]~~

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program ~~[at a facility]~~ ***with a treatment provider*** that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

5. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or use of controlled substances pursuant to this section, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

6. As used in this section ~~[, "treatment]~~ :

(a) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) "Treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction.

Sec. 10. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or drugs pursuant to NRS 458.290 to 458.350, inclusive, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

2. As used in this section, "treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which ~~[is certified by an]~~ holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction . ~~[that is similar to the Division.]~~

Sec. 11. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, ***and section 10 of this act,*** unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.

2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.

4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.

5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.

6. "Detoxification technician" means a person who is certified by the Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

8. "Facility" ~~*[*"Treatment provider"*]*~~ means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. ~~*[person or]*~~

9. "Treatment provider" means a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, ~~[or]~~ voluntary organization which is certified by the Division ~~[.]~~ or a practitioner licensed or certified pursuant to chapter 641, 641A, 641B or 641C of NRS.

Sec. 12. NRS 458.025 is hereby amended to read as follows:

458.025 The Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the ~~[~~facilities~~]~~ ***treatment providers*** needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➥ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities ~~*[treatment providers]*~~ or programs on the basis of the standards established by the Division pursuant to this section, and publish a list of certified detoxification technicians, facilities ~~*[treatment providers]*~~ and

programs. Any detoxification technicians, facilities ~~*[treatment providers,]*~~ or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The Division shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities ~~*[treatment providers]*~~ or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate . ~~*[; and*~~

~~*(c) May not exclude treatment providers that provide treatment through volunteers.]*~~

5. Upon request from a facility ~~*[treatment provider]*~~ which is self-supported, may certify the facility, ~~*[treatment provider,]*~~ its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 13. NRS 458.080 is hereby amended to read as follows:

458.080 The Division may, by contracting with organized groups, render partial financial assistance ~~[~~in the operation of facilities~~]~~ ***for treatment providers*** established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

Sec. 14. ~~[~~NRS 458.097 is hereby amended to read as follows:

~~458.097 1. Money received by the Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the Division shall give priority to:~~

~~(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.~~

~~(b) The needs of counties to provide:~~

~~(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and~~

~~(2) Secure detoxification units or [other] appropriate [facilities] *treatment providers* for persons who are arrested or taken into custody while under the influence of a controlled substance.~~

~~(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.~~

~~2. As used in this section, "secure detoxification unit" has the meaning ascribed to it in NRS 458.175.~~**]** **(Deleted by amendment.)**

Sec. 15. NRS 458.125 is hereby amended to read as follows:

458.125 1. The Division shall prepare requests for proposals for the provision by ~~[~~facilities~~]~~ ***treatment providers*** of:

(a) Residential treatment of adolescents who engage in substance abuse;

(b) Outpatient treatment of adolescents who engage in substance abuse;

(c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and

(d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the Division may advance not more than 8 percent of the amount of the proposal to the ~~[~~facility~~]~~ ***treatment provider*** that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

Sec. 16. NRS 458.131 is hereby amended to read as follows:

458.131 The Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Health and Human Services a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each ~~[~~facility~~]~~ ***treatment provider*** that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each ~~[~~facility~~]~~ ***treatment provider*** received for each type of service provided;

2. If a ~~[~~facility~~]~~ ***treatment provider*** received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the ~~[~~facility,~~]~~ ***treatment provider,*** the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in NRS 458.125 from those ~~[~~facilities~~]~~ ***treatment providers*** during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and

4. As of the end of the biennium:

(a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and

(b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.

Sec. 17. ~~[NRS 458.175 is hereby amended to read as follows:~~

~~458.175 1. If a peace officer arrests or takes into custody a person who is found in any public place unlawfully under the influence of a controlled substance and in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, the peace officer may deliver the person to a licensed~~ ~~[~~facility~~]~~ ***treatment provider*** ~~for~~

~~the treatment of persons who abuse controlled substances or other appropriate [facility] *treatment provider* for observation and care.~~

~~2. A person who is unlawfully under the influence of a controlled substance who is arrested or taken into custody by a peace officer must immediately be taken to a secure detoxification unit or other appropriate medical facility if the person's condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.~~

~~3. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.~~

~~4. As used in this section, "secure detoxification unit" includes, without limitation, a detoxification unit in which the staff of the detoxification unit ensures the security of the detoxification unit.]~~ **(Deleted by amendment.)**

Sec. 18. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility ***[treatment provider]*** for the treatment of persons who abuse alcohol ***that has been certified by the Division for civil protective custody*** exists in the community where the person is found, the person must be delivered to the facility ***[treatment provider]*** for observation and care. If no such facility ***[treatment provider]*** exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain ***[with a treatment provider or]*** in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, ***[location of the treatment provider or at the]*** jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 19. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 439.538, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, the registration and other records of a treatment facility ***and treatment provider*** are confidential and must not be disclosed to any person not connected with the treatment facility ***or treatment provider*** without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is:

(a) Not published in a way that discloses the patient's name or other identifying information; or

(b) Disclosed pursuant to NRS 439.538.

Sec. 20. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, ***and section 10 of this act,*** an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he or she is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097; or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, ***and section 10 of this act*** to a program of treatment not more than twice within the preceding 5 years.

Sec. 21. NRS 458.310 is hereby amended to read as follows:

458.310 1. If the court has reason to believe that a person who has been convicted of a crime is an alcoholic or drug addict, or the person states that he or she is an alcoholic or drug addict, and the court finds that the person is eligible to make the election provided for in NRS 458.300, the court shall hold a hearing before it sentences the person to determine whether or not the person should receive treatment under the supervision of a ~~[state-approved facility for the treatment of abuse of alcohol or drugs.]~~ ***treatment provider ~~[.]~~ approved by the court.*** The district attorney may present the court with any evidence concerning the advisability of permitting the person to make the election.

2. At the hearing the court shall advise the person that sentencing will be postponed if he or she elects to submit to treatment and is accepted for treatment by a ~~[state-approved facility.]~~ ***treatment provider ~~[.]~~ approved by the court.*** In offering the election, the court shall advise the person that:

(a) The court may impose any conditions upon the election of treatment that could be imposed as conditions of probation;

(b) If the person elects to submit to treatment and is accepted, he or she may be placed under the supervision of the ~~[facility]~~ ***treatment provider*** for a period of not less than 1 year nor more than 3 years;

(c) ~~[During treatment the person may be confined in an institution or, at~~ ***~~At~~ the discretion of the*** facility, released for ~~***treatment provider,]***~~ ***The court may order the person ~~[may]~~ to be ~~[confined in]~~ admitted to a residential treatment facility or ~~[may]~~ to be provided with outpatient*** treatment ~~[or supervised care]~~ in the community; and

(d) If the person satisfactorily completes treatment and satisfies the conditions upon the election of treatment, as determined by the court, the conviction will be set aside, but if the person does not satisfactorily complete the treatment and satisfy the conditions, he or she may be sentenced and the sentence executed.

Sec. 22. NRS 458.320 is hereby amended to read as follows:

458.320 1. If the court, after a hearing, determines that a person is entitled to accept the treatment offered pursuant to NRS 458.310, the court shall order ~~[an approved facility for the treatment of abuse of alcohol or drugs]~~ ***a treatment provider approved by the court*** to conduct an ~~[examination]~~ ***evaluation*** of the person to determine whether the person is an alcoholic or

drug addict and is likely to be rehabilitated through treatment. The ~~[facility]~~ ***treatment provider*** shall report to the court the results of the ~~[examination]~~ ***evaluation*** and recommend whether the person should be placed under supervision for treatment.

2. If the court, acting on the report or other relevant information, determines that the person is not an alcoholic or drug addict, is not likely to be rehabilitated through treatment or is otherwise not a good candidate for treatment, the person may be sentenced and the sentence executed.

3. If the court determines that the person is an alcoholic or drug addict, is likely to be rehabilitated through treatment and is a good candidate for treatment, the court may:

(a) Impose any conditions to the election of treatment that could be imposed as conditions of probation;

(b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS 458.330; and

(c) Place the person under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment for not less than 1 year nor more than 3 years.

➥ The court may require such progress reports on the treatment of the person as it deems necessary. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

4. A person who is placed under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment shall pay the cost of the program of treatment to which the person is assigned and the cost of any additional supervision that may be required, to the extent of his or her financial resources. The court may issue a judgment in favor of the ~~[court or facility for]~~ treatment ***provider*** for the costs of the treatment and supervision which remain unpaid at the conclusion of the treatment. Such a judgment constitutes a lien in like manner as a judgment for money rendered in a civil action, but in no event may the amount of the judgment include any amount of the debt which was extinguished by the successful completion of community service pursuant to subsection 5.

5. If the person who is placed under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment does not have the financial resources to pay all of the related costs:

(a) The court shall, to the extent practicable, arrange for the person to be assigned to a program ~~[at a facility]~~ ***with a treatment provider*** that receives a sufficient amount of federal or state funding to offset the remainder of the costs; and

(b) The court may order the person to perform supervised community service in lieu of paying the remainder of the costs relating to the treatment and supervision of the person. The community service must be performed for and under the supervising authority of a county, city, town or other political

subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

6. No person may be placed under the supervision of a ~~[facility]~~ ***treatment provider*** under this section unless the ~~[facility]~~ ***treatment provider*** accepts the person for treatment.

Sec. 23. NRS 458.330 is hereby amended to read as follows:

458.330 1. Whenever a person is placed under the supervision of a treatment ~~[facility,]~~ ***provider, including a treatment provider in another jurisdiction pursuant to section 10 of this act,*** the person's sentencing must be deferred and the person's conviction must be set aside if ~~[the]~~ ***:***

(a) The treatment ~~[facility]~~ ***provider*** certifies to the court that the person has satisfactorily completed the treatment program ***;*** ~~[,]~~ and ~~[the]~~

(b) The court approves the certification and determines that the conditions upon the election of treatment have been satisfied.

2. If, upon the expiration of the treatment period, the treatment ~~[facility]~~ ***provider*** has yet to certify that the person has completed his or her treatment program, the court shall sentence the person. If the person has satisfied the conditions to the election of treatment and the court believes that the person will complete his or her treatment on a voluntary basis, it may, in its discretion, set the conviction aside.

3. If, before the treatment period expires, the treatment ~~[facility]~~ ***provider*** determines that the person is not likely to benefit from further treatment ~~[at the facility,]~~ ***with the treatment provider,*** it shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable treatment ~~[facility,]~~ ***provider,*** if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

➥ Whenever a person is sentenced under this section, time spent in ~~[institutional care]~~ ***inpatient treatment*** must be deducted from any sentence imposed.

4. Upon satisfactory completion of the treatment program, the court shall order sealed all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents related to the case in the custody of such other agencies and officers as are named in the court's order. The court shall order those records sealed without a hearing unless the prosecution petitions the court, for good cause shown, not to seal the records and requests a hearing thereon. When the court orders sealed the records of a person pursuant to this subsection, the court shall cause a copy of the order to

be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order. The provisions of this subsection apply only to the offense for which the person has been placed into treatment pursuant to NRS 458.290 to 458.350, inclusive ~~[.]~~ ***and section 10 of this act.***

Sec. 24. NRS 458.350 is hereby amended to read as follows:

458.350 The provisions of NRS 458.290 to 458.350, inclusive, ***and section 10 of this act*** do not require the State or any of its political subdivisions to establish or finance any ~~[facility]~~ ***treatment provider*** for the treatment of abuse of alcohol or drugs.

Sec. 25. NRS 62A.340 is hereby amended to read as follows:

62A.340 "Treatment ~~[facility" means a facility for the treatment of abuse of alcohol or drugs that is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***provider" has the meaning ascribed to it in NRS 458.010.***

Sec. 26. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment ~~[facility]~~ ***provider*** to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment ~~[facility]~~ ***provider*** which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.

7. After a treatment ~~[facility]~~ ***provider*** has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment ~~[facility]~~ ***provider*** is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 26.5. **Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or drugs pursuant to NRS 484C.320, 484C.330, 484C.340 or 484C.360, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

2. As used in this section, "treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency.

Sec. 27. NRS 484C.100 is hereby amended to read as follows:

484C.100 "Treatment ~~[facility" means a facility for the treatment of abuse of alcohol or drugs, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***provider" has the meaning ascribed to it in NRS 458.010.***

Sec. 28. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services]~~ for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment ~~[facility,]~~ ***provider that is approved by the court,*** that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[If the offender is accepted for treatment by such a facility, he]~~ ***He*** or she may be placed under the supervision of ~~[the facility]~~ ***a treatment provider*** for a period not to exceed 3 years ***.*** ~~[and during treatment the offender may be confined in an institution or, at]~~

(2) ~~***[At***~~ ~~the discretion of the~~ facility, released for ~~***treatment provider,]***~~ ***The court may order the offender*** ~~***[may]***~~ ***to be*** ~~***[confined in]***~~ ***admitted to a residential treatment facility or*** ~~***[may]***~~ ***to be provided with outpatient*** treatment ~~[or supervised aftercare]~~ in the community.

~~[(2)]~~ ***(3)*** If the offender ~~[is not accepted for treatment by such a facility or he or she]~~ fails to complete the ***program of*** treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

~~[(3)]~~ ***(4)*** If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in

NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 29. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services]~~ for at least 1 year ***. The court shall authorize that treatment*** if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court ~~[determines that]~~ ***grants*** an application for treatment **,** ~~[should be granted,]~~ the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment ~~[facility,]~~ ***provider that is approved by the court,*** that the offender complete the

treatment satisfactorily and that the offender comply with any other condition ordered by the court. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[If the offender is accepted for treatment by such a facility, he]~~ ***He*** or she may be placed under the supervision of the ~~[facility]~~ ***treatment provider*** for a period not to exceed 3 years ***.*** ~~[and during treatment the offender may be confined in an institution or, at]~~

(2) ~~***[At***~~ ~~the discretion of the~~ facility, ~~released for~~ ~~***treatment provider,]***~~ ***The court may order the offender*** ~~***[may]***~~ ***to be*** ~~***[confined in]***~~ ***admitted to a residential treatment facility or*** ~~***[may]***~~ ***to be provided with outpatient*** treatment ~~[or supervised aftercare]~~ in the community.

~~[(2)]~~ ***(3)*** If the offender ~~[is not accepted for treatment by such a facility or he or she]~~ fails to complete the ***program of*** treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

~~[(3)]~~ ***(4)*** If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 30. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services]~~ for at least 3 years ***. The court*** ~~***[shall]***~~ ***may authorize that treatment*** if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➥ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years **.** ~~[upon the condition that the offender be accepted for treatment by a treatment facility, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court.]~~

(b) ***Order the offender to complete a program of treatment for alcoholism or drug abuse with a treatment provider approved by the court.*** ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[If the offender is accepted for treatment by such a facility, he]~~ ***He*** or she may be placed under the supervision of ~~[the facility]~~ ***a treatment provider*** for not more than 5 years **.** ~~[and during]~~

(2) ~~***[At the discretion of the***~~ treatment ~~***provider,]***~~ ***The court may order*** the offender ~~[may]~~ ***to*** be ~~[confined in an institution or, at the discretion of the]~~ ***admitted to a residential*** treatment facility ~~[, released for]~~ ***or*** ~~***[may]***~~ ***to be provided with outpatient*** treatment ~~[or supervised aftercare]~~ in the community.

~~[(2) If the offender is not accepted for treatment by such a treatment facility, or if he or she fails to complete the treatment satisfactorily, the]~~

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 ~~[.]~~ ***if a treatment provider fails to accept the offender for a program of treatment for alcoholism or drug abuse or if the offender fails to complete the program of treatment satisfactorily.*** Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

~~[(3)]~~ ***(4)*** If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

~~[(4)]~~ ***(5)*** The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 31. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment

~~[facility]~~ ***provider*** for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender ~~[confined in]~~ ***to be placed under the supervision of*** a treatment ~~[facility,]~~ ***provider,*** then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment ~~[facility]~~ ***provider*** to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment ~~[facility]~~ ***provider*** that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment ~~[facility]~~ ***provider*** is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment ~~[facility]~~ ***provider*** has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400.

Sec. 32. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in

jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent

offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, ~~[confined in]~~ ***placed under the supervision of*** a treatment ~~[facility,]~~ ***provider,*** on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 33. NRS 484C.410 is hereby amended to read as follows:

484C.410 1. Unless a greater penalty is provided in NRS 484C.440, a person who has previously been convicted of:

(a) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(b) A violation of NRS 484C.430;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c); or

(e) A violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 that was reduced from a felony pursuant to NRS 484C.340,

➥ and who violates the provisions of NRS 484C.110 or 484C.120 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more

than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense which is listed in paragraphs (a) to (e), inclusive, of subsection 1 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of offender's sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.400 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, **[**~~confined in~~**]** ***placed under the supervision of*** a treatment **[**~~facility,~~**]** ***provider,*** on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 34. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court:

(a) May order a person convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, for a period of not less than 3 months nor more than 6 months, to install at his or her own expense a device in any motor vehicle which the person owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) Shall order a person convicted of:

(1) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) A violation of NRS 484C.130 or 484C.430,

➥ for a period of not less than 12 months nor more than 36 months, to install at his or her own expense a device in any motor vehicle which the person owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family; or

(3) Transport the person or another member of the person's immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If the person was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which the person is required to use the device; or

(b) If the person was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

➥ to determine whether the device is operating properly. An inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, ~~[~~~~confined in~~~~]~~ ***placed under the supervision of*** a treatment ~~[~~~~facility,~~~~]~~ ***provider,*** on parole or on probation.

Sec. 35. ~~[~~~~NRS 449.00455 is hereby repealed.~~~~]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective on July 1, 2015.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~449.00455 "Facility for the treatment of abuse of alcohol or drugs" defined. "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the Division pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.~~**]**

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment revises the definition of "treatment provider"; requires a treatment provider to be approved by the court; updates terminology relating to testing of controlled substances; clarifies that a treatment provider in another jurisdiction holds a license, certificate, or other credential issued by a regulatory agency; and clarifies that a treatment provider must comply with the requirements of a specialty court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

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

Amendment No. 287.

AN ACT relating to health insurance; revising provisions governing the Board of Directors of the Silver State Health Insurance Exchange; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Silver State Health Insurance Exchange and provides for a governing board consisting of seven voting members and three ex-officio nonvoting members. (Chapter 695I of NRS) Existing law further provides that the members of the Board of Directors must not be affiliated in any way with a health insurer, shall not receive compensation for attending Board meetings and must hold a Board meeting at least once every quarter. (NRS 695I.300, 695I.330, 695I.340) **Section 1** of this bill removes the requirement that the Exchange be "state based." **Section 2** of this bill expands the membership of the Board to nine voting members**_ ,** ~~[and]~~ eliminates the prohibition against appointing to the Board a person affiliated with a health insurer**_** ~~[.]~~ **and provides that not more than two of the voting members of the Board may represent any particular area of expertise or experience.** **Section 3** of this bill authorizes compensation to Board members who are engaged in the business of the Board. **Section 4** of this bill reduces the required number of Board meetings to one per calendar year.

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

Section 1. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

(a) Create and administer a ~~[~~state-based~~]~~ health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) Make only qualified health plans available to qualified individuals and qualified small employers on or after January 1, 2014; and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 2. NRS 695I.300 is hereby amended to read as follows:

695I.300 1. The governing authority of the Exchange is the Board, consisting of ~~[~~seven~~]~~ ***nine*** voting members and three ex officio nonvoting members.

2. Subject to the provisions of subsections 3 ~~[~~, 4 and 5:~~]~~ ***to 6, inclusive:***

(a) The Governor shall appoint ~~[~~five~~]~~ ***seven*** voting members of the Board;

(b) The Senate Majority Leader shall appoint one voting member of the Board; and

(c) The Speaker of the Assembly shall appoint one voting member of the Board.

3. Each voting member of the Board must have:

(a) Expertise in the individual or small employer health insurance market;

(b) Expertise in health care administration, health care financing ***,*** ~~[~~or~~]~~ health information technology ~~[~~;~~]~~ ***or health insurance;***

(c) Expertise in the administration of health care delivery systems;

(d) Experience as a consumer who would benefit from services provided by the Exchange; or

(e) Experience as a consumer advocate, including, without limitation, experience in consumer outreach and education for those who would benefit from services provided by the Exchange.

4. When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall consider the collective expertise and experience of the voting members of the Board and shall attempt to make each appointment so that:

(a) The areas of expertise and experience described in subsection 3 are collectively represented by the voting members of the Board; and

(b) The voting members of the Board represent a range and diversity of skills, knowledge, experience and geographic and stakeholder perspectives.

5. ***When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall, as vacancies on the Board occur, ensure that not more than two voting members of the Board represent any particular area of expertise or experience described in paragraph (a), (b), (c), (d) or (e) of subsection 3.***

6. A voting member of the Board may not be a Legislator or hold any elective office in State Government.

~~[6. While serving on the Board, a voting member may not be in any way affiliated with a health insurer, including, without limitation, being an employee of, consultant to or member of the board of directors of a health insurer, having an ownership interest in a health insurer or otherwise being a representative of a health insurer.]~~

7. The following are ex officio nonvoting members of the Board who shall assist the voting members of the Board by providing advice and expertise:

(a) The Director of the Department of Health and Human Services, or his or her designee;

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

(c) The Director of the Department of Administration, or his or her designee.

Sec. 3. NRS 695I.330 is hereby amended to read as follows:

695I.330 1. ~~[Except as otherwise provided in subsection 2, the voting members of the Board shall serve without compensation.]~~ ***To the extent that money is available for that purpose, each member of the Board who is not an officer or employee of the State of Nevada or a political subdivision of the State is entitled to receive a salary of not more than $80 per day, as fixed by the Executive Director, for each day or portion of a day spent on the business of the Board.***

2. If sufficient money is available from federal grant funds or revenues generated by the Exchange, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Board or otherwise engaged in the business of the Board.

Sec. 4. NRS 695I.340 is hereby amended to read as follows:

695I.340 1. The Board shall meet:

(a) At least once each calendar ~~[quarter;]~~ ***year;*** and

(b) At other times upon the call of the Chair or a majority of the voting members.

2. A majority of the voting members of the Board constitutes a quorum for the transaction of business.

3. A member of the Board may not vote by proxy.

Sec. 5. As soon as practicable after passage and approval of this act, the Governor shall appoint two additional members to the Board of Directors of the Silver State Health Insurance Exchange in accordance with the provisions of section 2 of this act to initial terms ending on June 30, 2017.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblymen Kirner and Kirkpatrick.

ASSEMBLYMAN KIRNER:

This amendment limits the number of voting members of the Board of the Silver State Health Insurance Exchange that may represent any particular area of expertise of experience.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to this. My colleague from Commerce and Labor knows that I do not feel that it gets to the root of the problem: Who do we really want on the Board? I hope that the Senate fixes it on the other side, but what we were trying to get to on the committee was to have specific people on the board. We have seen with the Health Exchange that we did not have all the right folks on it in the beginning, and that has changed. I think this gives too much of an opportunity to have that same problem.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 93.

Bill read second time.

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

Amendment No. 54.

~~[Assemblywoman]~~ **Assemblymen** Benitez-Thompson**, Thompson; Elliot Anderson, Araujo, Bustamante Adams, Joiner, Kirkpatrick and Spiegel**

AN ACT relating to public health; requiring certain licensed professionals to receive **evidence-based** suicide prevention and awareness training in order to renew a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires psychiatrists, psychologists, clinical professional counselors, marriage and family therapists and social workers to complete certain continuing education as a condition to the renewal of their licenses. (NRS 630.253, 633.471, 641.220, 641A.260, 641B.280) This bill requires those professionals to receive at least 2 hours of instruction on **evidence-based** suicide prevention and awareness as a condition to the renewal of their licenses.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist ~~[certified by the American Board of Psychiatry and Neurology, Inc.,]~~ of a course of instruction that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 6 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to

request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[at]~~ ***:***

(a) At least 2 hours of continuing education credits in ethics, pain management or addiction care ~~[.]~~ ***; and***

(b) If the holder of a license to practice osteopathic medicine is a psychiatrist , ~~[certified by the American Board of Psychiatry and Neurology, Inc.,]~~ at least 2 hours of continuing education credits on evidence-based suicide prevention and awareness.

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 6. This act becomes effective on July 1, ~~[2015.]~~ **2016.**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment adds Assemblyman Thompson as a primary sponsor and Assembly Members Elliot Anderson, Araujo, Bustamante Adams, Joiner, Kirkpatrick, and Spiegel as cosponsors. It also adds the phrase "evidence-based" before each reference to suicide prevention and awareness. It clarifies that all psychiatrists are required to complete the continuing education requirements in the bill, whether they are board certified or not. Finally the amendment revises the bill's effective date to July 1, 2016, to allow professionals to complete the required instruction prior to license renewal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 115.

Bill read second time.

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

Amendment No. 56.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill

prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34** requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~[a]~~ ***:***

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~[,]~~ ***;***

(b) A physician assistant ~~[,]~~ ***;***

(c) A dentist ~~[,]~~ ***;***

(d) A licensed nurse ~~[,]~~ ***;***
(e) A dispensing optician ~~[,]~~ ***;***
(f) A speech-language pathologist;
(g) An audiologist;
(h) An optometrist ~~[,]~~ ***;***
(i) A practitioner of respiratory care ~~[,]~~ ***;***
(j) A registered physical therapist ~~[,]~~ ***;***
(k) An occupational therapist ~~[,]~~ ***;***
(l) A podiatric physician ~~[,]~~ ***;***
(m) A licensed psychologist ~~[,]~~ ***;***
(n) A licensed marriage and family therapist ~~[,]~~ ***;***
(o) A licensed clinical professional counselor ~~[,]~~ ***;***
(p) A music therapist ~~[,]~~ ***;***
(q) A chiropractor ~~[,]~~ ***;***
(r) An athletic trainer ~~[,]~~ ***;***
(s) A perfusionist ~~[,]~~ ***;***
(t) A doctor of Oriental medicine in any form ~~[,]~~ ***;***
(u) A medical laboratory director or technician ~~[,]~~ ***;***
(v) A pharmacist ~~[,]~~ ***;***
(w) A licensed dietitian ***;*** or ~~[a]~~
(x) A licensed hospital as the employer of any ~~[such]~~ person ~~[.]~~ ***specified in this subsection.***

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a

patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~[637A]~~ ***637B*** of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists,

chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. ***"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.***

Sec. 10. ***"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.***

Sec. 11. ***"Hearing aid" means any:***

1. Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and

2. Part, attachment or accessory for such a device.

Sec. 12. ***"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.***

Sec. 13. ***"Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.***

Sec. 14. ***"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:***

1. Making impressions for earmolds;

2. Administering and interpreting tests of human hearing and middle ear functions;

3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;

4. Selecting and fitting hearing aids;

5. Providing assistance to a person after the fitting of a hearing aid;

6. Providing services relating to the care and repair of hearing aids;

7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and

8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

Sec. 15. ***"Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.***

Sec. 16. ***1. Except as otherwise provided in subsection 2, the Board may, by majority vote, select any person, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.***

2. A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.

3. An advisory member may not vote on any matter before the Board.

Sec. 17. ***The Board shall:***

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. *1. The Board shall adopt regulations prescribing:*

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. *1. Except as otherwise provided in subsection 2:*

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or

speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.*

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon award of a certificate of clinical competence by the American Speech-Language-Hearing Association and payment of the fee required for converting the license pursuant to NRS 637B.230.

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act.

Sec. 24. *1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices;

3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. Successfully complete a program of education or training approved by the Board;

2. Be certified by the National Board for Certification in Hearing Instrument Sciences;

3. Pass the examination prescribed pursuant to section 25 of this act;

4. Comply with the regulations adopted pursuant to section 25 of this act; and

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. *1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. *1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.*

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. *1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. *Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.*

Sec. 34. *Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, as provided by the applicant pursuant to section 26 of this act, notify the Board of the new address of his or her place of business.*

Sec. 35. *1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:*

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an

audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology ***,*** ~~[and]~~ the practice of ~~[speech]~~ ***speech-language*** pathology ***and the practice of fitting and dispensing hearing aids*** are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, ***and sections 9 to 15, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~[engages]~~ ***is licensed to engage*** in the practice of audiology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~[Board of Examiners for Audiology and Speech]~~ ***Speech-Language*** Pathology ~~[.]~~ ***, Audiology and Hearing Aid Dispensing Board.***

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~[consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of]~~ ***means the application of principles, methods and procedures relating to*** hearing and ***balance,*** hearing ~~[impairment,]~~ ***disorders and related speech and language disorders and includes, without limitation:***

1. The conservation of auditory system functions;

2. Screening, identifying, assessing and interpreting, diagnosing, preventing and rehabilitating auditory and balance system disorders;

3. The selection, fitting, programming and dispensing of hearing aids, cochlear implants and other technology which assists persons with hearing and training persons to use such technology;

4. Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services; and

5. Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing.

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~[speech]~~ ***speech-language*** pathology" ~~[consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:~~

~~1. Normal and abnormal development of a person's ability to communicate;~~

~~2. Disorders and problems concerning a person's ability to communicate;~~

~~3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~

~~4. Sensorimotor functions of a person's mouth, pharynx and larynx.]~~ ***means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:***

1. The prevention, screening, consultation, assessment, diagnosis, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;

2. Argumentative and alternative communication techniques and strategies;

3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;

4. The screening of persons for hearing loss and middle ear pathology;

5. Vocal tract imaging and visualization by oral and nasal endoscopy;

6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss; and

7. Providing services to modify or enhance communication.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~[~~"Speech~~]~~ ***"Speech-language*** pathologist" means any person who ~~[~~engages~~]~~ ***is licensed to engage*** in the practice of ~~[~~speech~~]~~ ***speech-language*** pathology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~[~~:

~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~3. Any~~] ***any*** person who:

~~[~~(a)~~]~~ ***1.*** Holds a current credential ~~[~~as an audiologist or a speech pathologist~~]~~ issued by the Department of Education ~~[~~;

~~(b)~~] ***pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;***

2. Is employed ~~[~~as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;

~~(c)~~] ***by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;***

3. Is a ~~[~~graduate~~]~~ student ~~[~~intern~~]~~ enrolled in a program or school approved by the Board ***,*** ~~[~~and~~]~~ is pursuing a ~~[~~graduate~~]~~ degree in audiology or ~~[~~speech~~]~~ ***speech-language*** pathology ~~[~~;

~~(d) Is a registered nurse employed as a school nurse; or~~

~~(e)~~] ***and is clearly designated to the public as a student; or***

4. Holds a current ~~[~~certificate from the Council on the Education of the Deaf as a teacher,~~]~~ ***license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,***

➥ and who does not engage in the private practice of audiology or ~~[~~of speech~~]~~ ***speech-language*** pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology, ***Audiology and Hearing Aid Dispensing Board,*** consisting of ~~[~~five~~]~~ ***seven*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~[~~Two~~]~~ ***Three*** members who ~~[~~have been engaged in the practice of speech pathology for 2 years or more;~~]~~ ***are speech-language pathologists, each of***

whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) ~~[One member who has been engaged in the practice of audiology for 2 years or more;]~~ ***Two members who are audiologists, at least one of whom must be a dispensing audiologist;***

(c) One member who is a ~~[physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;]~~ ***hearing aid specialist;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~[speech]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~[speech]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist.

3. ~~[Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.~~

~~4.]~~ Each member of the Board who is ~~[a speech pathologist or]~~ ***an*** audiologist ***, a speech-language pathologist or a hearing aid specialist*** must ~~[hold]~~ ***:***

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter ***.*** ~~[or a current certificate of clinical competence from the American Speech-Language-Hearing Association.~~

~~5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.]~~

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least ***twice*** annually and may meet at other times on the call of the ~~[President]~~ ***Chair*** or a majority of its members.

~~[2.]~~ ***3.*** A majority of the Board constitutes a quorum to transact all business.

4. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.

4. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~[1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license]~~ ***Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing*** by the Board ~~[if the]~~ ***, an*** applicant ~~[:~~

~~(a) Is over the age of 21 years;~~

~~(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(c) Is]~~ ***for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:***

1. Be a natural person of good moral character;

~~[(d) Meets the requirements for education or training and experience provided by subsection 2;~~

~~(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~(f) Applies for the license in the manner provided by the Board;~~

~~(g) Passes any]~~

2. Pass an examination ~~[required by this chapter;~~

~~(h) Pays]~~ ***prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;***

3. Pay the fees provided for in this chapter; and

~~[(i) Submits]~~

4. Submit all information required to complete an application for a license.

~~[2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent~~

~~training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.~~**]**

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** may not be issued or renewed by the Board if the applicant:

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

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

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

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~[A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~2.]~~ A ***current*** certificate of clinical competence issued by the American ~~[Speech and Hearing]~~ ***Speech-Language-Hearing*** Association in the field of practice for which the person is applying for a license ~~[.]~~ ***; or***

2. Current certification from the American Board of Audiology.

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[shall]~~ ***may*** issue a temporary license to ***engage in the*** practice ~~[audiology or speech]~~ ***of:***

(a) Audiology, speech-language pathology ~~[,]~~ ***or fitting and dispensing hearing aids*** upon application and the payment of the ***fee*** required ~~[fee,]~~ ***pursuant to NRS 637B.230*** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~ ***; and***

(b) Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.

2. ***The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:***

(a) Is so licensed in another state; and

(b) Attests that he or she meets all of the qualifications for licensure in this State.

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~ ***:***

(a) Is valid for not more than 6 months;

(b) May be renewed not more than once; and

(c) May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[for a license to practice speech pathology ..... $100~~
~~Application fee for a license to practice audiology ..... 100~~
~~Annual fee]~~***..... $150***

License fee ***100***
Fee for the renewal of a license .....~~[~~50~~]~~ ***100***
Reinstatement fee .....~~[~~75~~]~~ ***100***
Examination fee ***300***
Fee for converting to a different type of license ***50***
Fee for each additional license or endorsement ***50***
Fee for obtaining license information ***50***

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[~~Secretary-Treasurer of the~~]~~ Board to be used to defray the necessary expenses of the Board. The ~~[~~Secretary-Treasurer~~]~~ ***Board*** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

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

(b) A felony ***or gross misdemeanor*** relating to the practice of audiology ~~[~~or speech~~]~~ ***, speech-language*** pathology ~~[~~,~~]~~ ***or fitting and dispensing hearing aids;***

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. ~~[~~Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.

~~4.]~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~[~~5.~~]~~ ***4.*** Professional incompetence.

~~[6.]~~ ***5.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

6. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ~~[,]~~ ***or fitting and dispensing hearing aids,*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

(a) Refuse to renew a license;

(b) Revoke a license;

(c) Suspend a license ***;*** ~~[~~for a definite time, not to exceed 1 year;~~]~~

(d) Administer to the licensee a public reprimand; ~~[~~or~~]~~

(e) ***Impose conditions on the practice of the licensee;***

(f) Impose a civil penalty not to exceed ~~[~~$1,000.~~]~~ ***$5,000 for each act constituting grounds for disciplinary action; or***

(g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~[~~or speech~~]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~[~~or speech~~]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~[practices]~~ ***engages in the practice of*** or offers to ***engage in the*** practice ***of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~[practices]~~ ***engages in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ ***Chair*** or ~~[Secretary-Treasurer]~~ ***Vice Chair*** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~[637A.352,]~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,

127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, ~~[637A.315,]~~ 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,

692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~[~~speech~~]~~ ***speech-language*** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~[~~speech~~]~~ ***speech-language*** pathologist by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board;***

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board; and***

(b) The employee is assigned by the school district to serve as a ~~[~~speech~~]~~ ***speech-language*** pathologist during the school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of

licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:
(1) Private vehicles;
(2) Commercial vehicles;
(3) Liability insurance; and
(4) Insurance for property damage;
(d) Workers' compensation insurance; and
(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:
(a) Premiums directly written;
(b) Premiums directly earned;
(c) Number of policies issued;
(d) Net investment income, using appropriate estimates when necessary;
(e) Losses paid;
(f) Losses incurred;
(g) Loss reserves, including:
(1) Losses unpaid on reported claims; and
(2) Losses unpaid on incurred but not reported claims;
(h) Number of claims, including:
(1) Claims paid; and
(2) Claims that have arisen but are unpaid;
(i) Expenses for adjustment of losses, including allocated and unallocated losses;
(j) Net underwriting gain or loss;
(k) Net operation gain or loss, including net investment income; and
(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:
(a) Recoverable federal income tax;
(b) Net unrealized capital gain or loss; and
(c) All other expenses not included in subsection 2.

Sec. 67.5. **1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.**

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the

administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. The State Controller shall transfer the money in any fund or account of the Board of Hearing Aid Specialists to a fund or account created for the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of such a fund or account are unaffected by the transfer.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) Three members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100

to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.
637A.020 Definitions.

637A.021 "Board" defined.
637A.0213 "Chair" defined.
637A.0217 "Hearing aid" defined.
637A.022 "Hearing aid specialist" defined.
637A.0221 "Incompetence" defined.
637A.0223 "License" defined.
637A.0227 "Manufacturer" defined.
637A.023 "Member" defined.
637A.0233 "Negligence" defined.
637A.0235 "Practice of fitting and dispensing hearing aids" defined.
637A.024 "Secretary" defined.
637A.025 Applicability.
637A.030 Creation; number and appointment of members.
637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
637A.040 Chair and Secretary; meetings; quorum.
637A.060 Officers; rules and regulations.
637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
637A.090 Compensation of members and employees.
637A.100 Duties.
637A.110 Powers.
637A.120 Seal.
637A.130 Application for examination; fee.
637A.140 Contents of application.
637A.150 Actions by Board on applications.
637A.160 Requirements for licensing.
637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
637A.170 Examination waived for certain specialists applying before October 1, 1973.
637A.190 Display of license.
637A.200 Expiration and renewal of licenses.
637A.205 Transfer of license to inactive list.
637A.210 Fees.
637A.220 Apprentices: Employment; application for licensure.
637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.
637A.235 Apprentices: Identification; title.
637A.240 Limitation on period of apprenticeship.

637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

637A.245 Audiograms for use of physician or member of related profession.

637A.250 Grounds.

637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.

637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment addresses transitory provisions required to transfer the obligations, debts, responsibilities, assets, and liabilities from the Board of Hearing Aid Specialists to the Speech Language Pathology, Audiology and Hearing Aid Dispensing Board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 537.

SUMMARY— ~~[Makes various changes relating to judgments.]~~ **Revises provisions concerning annuity benefits.** (BDR ~~[2-541)]~~ **57-541)**

AN ACT relating to ~~[judgments; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; extending the period for which a writ of garnishment served on an employer of a judgment debtor continues;]~~ **annuities; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek is exempt from execution. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) Sections 2-4 and 8, 11 and 12 of this bill: (1) increase the exemption to 82 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued was $770 or less; and (2) maintain the exemption at 75 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued exceeded $770. Sections 1, 7 and 11 of this bill explain how the gross weekly salary or wage of a debtor must be determined.~~

~~Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of the foreign judgment with the clerk of any district court of this State. (NRS 17.330-17.400) Section 6 of this bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.~~

~~Additionally, existing law generally provides that if the employer of a judgment debtor whose earnings are being garnished is a garnishee, the writ of~~

~~garnishment served on the employer continues for the earlier of 120 days or until the amount demanded in the writ is satisfied. (NRS 31.296) Section 13 of this bill extends such a period to the earlier of 180 days or until the amount demanded in the writ of garnishment is satisfied. Existing law further provides that a judgment creditor who caused a writ of garnishment to issue is required to prepare an accounting and provide a report containing certain information to the judgment debtor, the sheriff and each garnishee with each writ of garnishment. (NRS 31.296) Section 13 specifies that any subsequent application for a writ of garnishment made by the judgment creditor concerning the same debt must not be approved unless such an accounting and report are submitted with the application.]~~

Existing law exempts annuity benefits from certain claims of the annuitant's creditors under certain circumstances. (NRS 687B.290) This bill subjects certain amounts of annuity benefits to execution by certain creditors of the annuitant.

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

Delete existing sections 1 through 13 of this bill and replace with the following new section 1:

Section 1. **NRS 687B.290 is hereby amended to read as follows:**

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except as to ***amounts listed as an asset on an application for a loan or pledged as payment for a loan or*** amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office ***within 1 year after the annuitant makes a payment to the insurer or*** prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 537 to Assembly Bill 129 replaces existing sections of the bill with a new section that subjects certain amounts of annuity benefits listed as an asset on an application for a loan to execution by certain creditors of the annuitant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 359.

AN ACT relating to taxation; authorizing certain qualified businesses in this State that own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft to apply to the Office of Economic Development for a partial abatement from certain property or sales and use taxes; revising the provisions governing the administration of the sales and use taxes to change the manner in which the taxes are required to be paid on tangible personal property purchased in the performance of certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the assessment of ad valorem taxes on certain real and personal property and the assessment of certain taxes on the gross receipts from the sale, storage, use or other consumption of certain personal property. (Chapters 361 and 374 of NRS) **Section 1** of this bill authorizes an owner of a qualified business or a person who intends to locate or expand a qualified business in this State to apply to the Office of Economic Development for a partial abatement of certain personal property or sales and use taxes. **Section 1** requires the Office of Economic Development to approve a partial abatement for a period of not more than ~~[10]~~ **20** years for certain qualified new and existing businesses that own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

Sections 4 and 5 of this bill revise provisions governing the administration of the sales and use taxes (chapters 372 and 374 of NRS) to provide that a business, rather than a customer of such a business, is required to pay the sales or use tax on any tangible personal property purchased in the performance of a contract for the ownership, operation, manufacture, servicing, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft. For any such business which has been granted a partial abatement from sales and use taxes pursuant to **section 1**, the sales or use tax imposed on the business, other than the taxes imposed pursuant to the Sales and Use Tax Act, would then be abated.

Existing law exempts from certain sales and use taxes the gross receipts from the sale of aircraft and major components of aircraft to an air carrier that maintains its central office and bases a majority of its aircraft in Nevada. (NRS 372.317) A related provision governs the administration of the

exemption. (NRS 372.726) In 1997, the Nevada Supreme Court held that the exemption was unconstitutional because it discriminated against interstate commerce. (*Worldcorp v. State, Dep't of Taxation*, 113 Nev. 1032 (1997)) **Section 12** of this bill repeals both provisions.

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755; ~~[and]~~

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three

employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; and

(e) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than $5,000,000 during the period of partial abatement.

(3) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(4) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than ~~[10]~~ 20 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205 unless the business is regulated under 14 C.F.R. Part 125 or 135.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

↪ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

~~[(d)]~~ ***(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.***

Sec. 2. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750 or 360.752, ***or section 1 of this act,*** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to

the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 3. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ***or section 1 of this act*** or any other specific statute unless the Office:

(a) Takes that action at a public meeting conducted for that purpose; and

(b) At least 30 days before the meeting, provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 4. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter:

(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:

(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.

(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.

(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.

2. As used in this section:

(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection 12 of section 1 of this act.

(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection 12 of section 1 of this act.

(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.

Sec. 5. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter:

(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:

(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.

(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.

(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.

2. As used in this section:

(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection 12 of section 1 of this act.

(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection 12 of section 1 of this act.

(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.

Sec. 6. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Except as otherwise provided in NRS 360.965 ~~[,]~~ ***and section 1 of this act,*** any state legislation enacted on or after July 1, 2012, which authorizes or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director for transmittal to the Legislature.

Sec. 7. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~[.]~~ ***or section 1 of this act.*** The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. The value of infrastructure included as an incentive for the business;
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
5. Whether the business for which the abatement was approved is a new business or an existing business;
6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and
7. Any other information that the Office determines to be useful.

Sec. 8. NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. The following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 1 of this act.***

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

Sec. 9. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210, ***or section 1 of this act,*** to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of NRS 231.0685, as amended by section 7 of this act.

Sec. 11. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on personal property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or any local government to pay, when due, all interest and principal on any outstanding

bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 12. NRS 372.317 and 372.726 are hereby repealed.

Sec. 13. **1.** This act becomes effective upon passage and approval**.** ~~[and expires]~~

2. Sections 1 to 11, inclusive, of this act expire by limitation on June 30, 2035.

TEXT OF REPEALED SECTIONS

372.317 Aircraft and major components of aircraft. There are exempted from the taxes imposed by this chapter the gross receipts from the sale of aircraft and major components of aircraft, such as engines and other components made for use only in aircraft, to an air carrier which:

1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and

2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.

372.726 Application of exemption for aircraft and major components of aircraft. On and after July 1, 1995, in administering the provisions of section 61.5 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.317, the Department shall:

1. Not enforce any restriction on the applicability of the exemption provided therein which would violate the United States Constitution.

2. Apply the exemption to all types of sales to air carriers including both indirect sales to an entity which purchases the aircraft or major components of an aircraft for lease to and use by an air carrier that otherwise qualifies for the exemption and direct sales to air carriers.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 359 to Assembly Bill 161 makes several changes to the bill, including extending the maximum length of the abatements provided in the bill from 10 years to 20 years; making technical changes to the eligibility requirements for the abatements to make them consistent with other provisions in statute; and removing the expiration date for sections of NRS that are repealed in section 12 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 148.

AN ACT relating to special license plates; authorizing the Commission on Special License Plates to ~~[investigate and]~~ request **the Legislative Commission to direct the Legislative Auditor to perform** an audit of certain charitable organizations which receive additional fees collected by the Department of Motor Vehicles for special license plates; revising provisions regarding the application submitted to the Department by certain persons seeking a special license plate intended to generate financial support for an organization; revising provisions requiring certain charitable organizations which receive additional fees paid for special license plates to provide certain documents and records annually to the Commission **~~[,]~~ on Special License Plates;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons may apply to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate that is intended to generate financial support for a charitable organization. The application must include certain information about the person requesting the special license plate, the charitable organization, if different from the person requesting the special license plate, and information about the intended use of the financial support. (NRS 482.367002) **Section 6** of this bill requires that such an application also include a budget prepared by or for the charitable organization if the charitable organization is not a governmental entity whose budget is included in the executive budget. **Section 6** also requires the Department to notify the Commission on Special License Plates **(hereinafter referred to as "the Commission")** and the charitable organization upon making a determination to issue the special license plate.

Existing law requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission a balance sheet and a recent bank statement. (NRS 482.38277) The Commission is required to provide those documents to the Legislative Auditor, who is required to prepare a final written report for the Commission regarding the propriety of the financial administration and recordkeeping of the charitable organization. (NRS 482.38278) **Section 2** of this bill authorizes the Commission to ~~[investigate and]~~ request ~~[an audit by]~~ **the Legislative Commission to direct** the Legislative Auditor **to perform an audit** of any charitable organization that receives fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the charitable organization has: (1) filed with the Commission or the Department forms or records that are inadequate or inaccurate; (2) committed improper practices of financial administration; or (3) failed to use adequate methods and procedures to ensure that all money received in the form of additional fees from special license plates is expended solely for the benefit of the intended recipient. The Commission may also ~~[investigate and]~~ request **the Legislative Commission to direct the Legislative Auditor to perform** such an audit if the Commission determines

that an investigation and audit are reasonably necessary to assist the Commission in administering any provision of existing law which the Commission is authorized to administer.

Existing law also requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission updated information regarding the telephone number and mailing address of the charitable organization and the names of persons who are responsible for overseeing the operation of the charitable organization. (NRS 482.38277) **Section 8** of this bill further requires that the charitable organization provide the Commission annually with a report on the budget of the organization which provides details about how the fees received from the special license plates have been expended and a copy of the most recent federal tax return of the organization, if any **[.]** **, including all schedules related thereto. Section 8** also requires the charitable organization **: (1)** to post annually on its Internet website the **most recent** federal tax **[**~~returns, if any,~~**]** **return** of the charitable organization **[**~~.~~**]** **, if any, including all schedules related thereto;** or **[**~~,~~**]** **(2)** if the charitable organization does not have an Internet website, to publish annually the **most recent** federal tax **[**~~returns, if any,~~**]** **return** of the charitable organization **, if any, including all schedules related thereto,** in a newspaper of general circulation in the county where the charitable organization is based.

Existing law authorizes the Commission to recommend that the Department take adverse action against a charitable organization that receives fees from the sale of special license plates if the Commission makes certain determinations about the organization, and after the organization has had an opportunity for a hearing on those determinations. The adverse action recommended may include the suspension of the collection of all additional fees collected on behalf of the charitable organization and the suspension of production of the special license plates from which the charitable organization receives additional fees, if the Department is still producing that design. (NRS 482.38279) **Section 10** of this bill adds to the criteria on which the Commission may base such a determination the results of an audit prepared **[**~~at the request of the Commission~~**]** **by the Legislative Auditor** pursuant to **section 2**.

Section 4 of this bill provides that all records related to the receipt or use of money from the sale of special license plates are public records and are available for public inspection.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Commission on Special License Plates may*** ***[***~~investigate and~~***]*** ***request*** ***[***~~an audit by~~***]*** ***the Legislative Commission to direct the***

Legislative Auditor to perform an audit of any charitable organization if the Commission [,] on Special License Plates:

(a) Has reasonable cause to believe or has received a credible complaint that the charitable organization has filed with the Commission on Special License Plates or the Department forms or records that are inadequate or inaccurate, has committed improper practices of financial administration, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; or

(b) Determines that an [investigation and] audit [are] is reasonably necessary to assist the Commission on Special License Plates in administering any provision of this chapter which [the Commission] it is authorized or required to administer.

2. [Upon request of] If the Legislative Commission [pursuant to this section for] directs the Legislative Auditor to perform an audit of a charitable organization, the Legislative Auditor shall:

(a) Conduct the audit and prepare a final written report of the audit;

(b) Distribute a copy of the final written report to each member of the Commission [,] on Special License Plates; and

(c) Present the final written report to the Commission on Special License Plates at [the] its next regularly scheduled meeting . [of the Commission.]

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report of the audit may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission on Special License Plates or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 3. *1. Upon receiving notification by the Department pursuant to subsection 5 of NRS 482.367002 that a special license plate that is intended to generate financial support for an organization will be issued by the Department, a charitable organization, not including a governmental entity whose budget is in the executive budget, that is to receive additional fees shall, if the charitable organization wishes to award grants with any of the money received in the form of additional fees, submit to the Commission on Special License Plates in writing the methods and procedures to be used by*

the charitable organization in awarding such grants, including, without limitation:

(a) A copy of the application form to be used by any person or entity seeking a grant from the charitable organization;

(b) The guidelines established by the charitable organization for the submission and review of applications to receive a grant from the charitable organization; and

(c) The criteria to be used by the charitable organization in awarding such a grant.

2. Upon receipt of the information required, the Commission shall review the procedures to determine if the methods and procedures are adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient. If the Commission determines that the methods and procedures are:

(a) Adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

(b) Inadequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization and request that the charitable organization submit a revised version of the methods and procedures to be used by the charitable organization in awarding grants.

3. A charitable organization may not award any grants of money received in the form of additional fees until the procedures and methods have been determined adequate by the Commission pursuant to subsection 2.

Sec. 4. ***All records of:***

1. A charitable organization that is to receive additional fees, not including a governmental entity whose budget is in the executive budget, that are related to the receipt of or use of those fees; and

2. Any person who receives money from such a charitable organization in the form of a grant, that are related to the receipt of or use of that money, ➥ ***are public records and are available for public inspection as provided in chapter 239 of NRS.***

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph ~~[(f)]~~ ***(g)*** of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 6. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000; ~~[and]~~

(f) ***Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and***

(g) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a meeting of the Commission on Special License Plates, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates recommends to the Department that the Department approve the application for that plate pursuant to subsection 5 of NRS 482.367004.

5. ***Upon making a determination to issue a special license plate pursuant to this section, the Department shall notify:***

(a) The person who requested the special license plate pursuant to subsection 1;

(b) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(c) The Commission on Special License Plates.

6. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 6 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

~~[6.]~~ ***7.*** The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special

license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~[7.]~~ ***8.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 7. NRS 482.38272 is hereby amended to read as follows:

482.38272 As used in NRS 482.38272 to 482.38279, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.38273 to 482.38276, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.38277 is hereby amended to read as follows:

482.38277 1. On or before September 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall prepare a balance sheet for the immediately preceding fiscal year on a form provided by the Commission on Special License Plates and file the balance sheet, accompanied by a recent bank statement, with the Commission. The Commission shall prepare and make available, or cause to be prepared and made available, a form that must be used by a charitable organization to prepare such a balance sheet.

2. On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall provide to the Commission and the Department:

(a) A list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization;

(b) The current mailing address of the charitable organization; ~~[and]~~

(c) The current telephone number of the charitable organization ~~[.]~~ ***;***

(d) A report on the budget of the charitable organization, including, without limitation:

(1) A copy of the most recent annual budget of the charitable organization; and

(2) A description of how all money received by the charitable organization in the form of additional fees was expended, including, without limitation, how that money was expended by the charitable organization, or

any recipient or awardee of that money from the charitable organization; and

(e) A copy of the most recent federal tax return of the charitable organization, if any ~~[.]~~ , including all schedules related thereto.

3. ***On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall post on the Internet website of the charitable organization or, if no such Internet website exists, publish in a newspaper of general circulation in the county where the charitable organization is based, the most recent federal tax return ~~[, if any,]~~ of the charitable organization ~~[.]~~ , if any, including all schedules related thereto.***

4. The Legislative Auditor shall prescribe:

(a) The form and content of the balance sheets required to be filed pursuant to subsection 1; and

(b) Any additional information that must accompany the balance sheets and bank statements required to be filed pursuant to subsection 1, including, without limitation, the methods and procedures used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient.

~~[~~4.~~]~~ ***5.*** The Commission shall provide to the Legislative Auditor:

(a) A copy of each balance sheet and bank statement that it receives from a charitable organization pursuant to subsection 1; and

(b) A copy of the information that it receives from a charitable organization pursuant to subsection 2.

Sec. 9. NRS 482.38278 is hereby amended to read as follows:

482.38278 1. On or before September 30 following the end of each fiscal year, the Legislative Auditor shall present to the Commission on Special License Plates a final written report with respect to the charitable organizations for which the Commission provided to the Legislative Auditor a balance sheet pursuant to subsection **~~[~~**4**~~]~~** ***5*** of NRS 482.38277.

2. The final written report must be distributed to each member of the Commission before the report is presented to the Commission.

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 10. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the Commission on Special License Plates determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the Commission by the Legislative Auditor pursuant to NRS 482.38278, ***or section 2 of this act,*** the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the Commission or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The Commission shall issue a decision on whether to uphold the original determination of the Commission or the Legislative Auditor or to overturn that determination. The decision required pursuant to this subsection must be issued:

(a) Immediately after the hearing, if a hearing was requested; or

(b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall issue its decision in writing and may recommend that the Department:

(a) Suspend the collection of all additional fees collected on behalf of the charitable organization; and

(b) Suspend production of the particular design of special license plates from which the charitable organization receives additional fees, if the Department is still producing that design.

5. If, in accordance with subsection 4, the Commission recommends that the Department take adverse action against a charitable organization, the Commission shall notify the charitable organization, in writing, of that fact

within 30 days after making the recommendation. A charitable organization aggrieved by a recommendation of the Commission may, within 30 days after the date on which it received notice of the recommendation, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the Commission's recommendation. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department accepts or rejects the Commission's recommendation. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 11. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 148 makes two changes to Assembly Bill 189. First, it adds provisions making the bill conform with the existing process of the Legislative Commission directing the work of the Audit Division. Second, it provides that the federal tax return an organization has to provide includes "all schedules related thereto."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 333.

AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a judgment creditor or a beneficiary of a deed of trust may obtain a deficiency judgment after a foreclosure sale or trustee's sale of real property if there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or beneficiary. (NRS 40.455) ~~[Section 1 of this bill removes the provision of existing law which]~~ **Existing law further** provides that if a person acquired the right to obtain a deficiency judgment from another person, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right.

~~[Section 2 of this bill removes the provision of existing law which]~~ **(NRS 40.459) Sections 1, 3 and 4 of this bill provide that this provision applies only to deficiency judgments awarded on or after the passage and**

approval of this bill in a deficiency judgment proceeding to enforce: (1) any debt secured by property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any debt secured by any other property if the documents evidencing the debt were fully executed on or before July 1, 2011.

Existing law provides that, under certain circumstances, a money judgment obtained by a creditor with a junior mortgage or ~~[other]~~ lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien.

~~[Section 4 of this bill provides that this bill becomes effective upon passage and approval, and section 3 of this bill provides that this bill applies only to a judgment awarded as the result of: (1) an action for judicial foreclosure commenced on or after the effective date of the bill; or (2) a notice of default and election to sell recorded on or after the effective date of the bill.]~~ **(NRS 40.4636) Sections 2-4 of this bill provide that this limitation applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: (1) any obligation secured by a junior mortgage or lien on real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any obligation secured by a junior mortgage or lien on any other real property if the documents evidencing the obligation were fully executed on or before July 1, 2011.**

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

Section 1. NRS 40.459 is hereby amended to read as follows:

40.459 1. After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. ~~[The]~~

2. Except as otherwise provided in subsection 3, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale,

➥ whichever is the lesser amount.

3. If the debt was secured by property upon which the debtor, guarantor or surety maintains his or her principal residence, there is not more than one residential structure and not more than four families reside, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; ~~***[or]***~~

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale ~~***[.]***~~ ; or

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

~~[2.]~~ ***4.*** For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 2. NRS 40.4636 is hereby amended to read as follows:

40.4636 1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale;

(c) The obligation was secured by a junior mortgage or lien on real property upon which the debtor maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and

~~[(c)]~~ ***(d)*** Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. The amendatory provisions of **:**

1. Section 1 of this act apply to a judgment ~~[awarded as the result of:~~

~~1. An action for judicial foreclosure commenced on or after the effective date of this act.]~~ **awarded pursuant to NRS 40.459, as amended by section 1 of this act, on or after the effective date of this act, if the documents evidencing the debt are fully executed on or after July 1, 2011.**

2. ~~[A notice of default and election to sell recorded on or after the effective date of this act.]~~ **Section 2 of this act apply to a judgment awarded pursuant to subsection 2 of NRS 40.4636, as amended by section 2 of this act, on or after the effective date of this act, if the documents evidencing the obligation are fully executed on or after July 1, 2011.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 333 to Assembly Bill 195 revises provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust. The court is prohibited from rendering a judgment for more than (a) the amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or (b) the amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale, whichever is the lesser amount.

The court shall not render judgment for more than the amount of the consideration paid for that right, if the obligation was secured by a junior mortgage or lien on real property which the debtor maintains as his or her principal residence.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 196.

Bill read second time.

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

Amendment No. 191.

AN ACT relating to public financial administration; revising the types of investments authorized to be made with money in certain public funds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the various types of investments that the State Treasurer or a local government may make with money in certain funds. (NRS 355.060, 355.140, 355.170, 355.171) Existing law allows the money of this State, the State Insurance Fund and the governing bodies of local governments to be used for repurchase agreements if certain requirements are

met to ensure that a repurchase agreement does not violate Section 9 of Article 8 of the Nevada Constitution, including that the security which is subject to the agreement is of a type that is legal for the State or the local government to own and that ownership of the security which is subject to the agreement must actually change hands. (NRS 355.140, 355.170) Existing law also prohibits the investment of money of this State or the State Permanent School Fund, except for money invested by the Public Employees' Retirement System, in reverse-repurchase agreements. (NRS 355.060, 355.140)

Sections ~~[1-3]~~ 1 and 2 of this bill authorize the investment of the money of this State **~~[,]~~ and** the State Permanent School Fund **~~[, the State Insurance Fund and the governing bodies of local governments]~~** in reverse-repurchase agreements if those agreements meet certain requirements, which are similar to the requirements on repurchase agreements, to avoid a violation of Section 3 of Article 9 of the Nevada Constitution. **Sections ~~[1-3]~~ 1 and 2** also impose additional requirements on reverse-repurchase agreements which depend upon the purpose for which the reverse-repurchase agreement is made.

Section 2 allows investments of the money of this State and the State Insurance Fund in: (1) any obligation or certificate of an **~~[instrumentality or]~~** agency of the United States; (2) bonds of any general improvement district **~~[or local government within this State;]~~ which meet certain requirements; and** (3) **~~[notes, bonds and other unconditional obligations for the payment of money issued by certain corporations or depository institutions that are rated by a nationally recognized rating service as "A-" or its equivalent; and (4)]~~** a portfolio of investments that, in aggregate value, includes up to 25 percent, rather than 20 percent, of notes, bonds or other unconditional obligations for the payment of money issued by certain corporations or depository institutions. **Section 2** also eliminates the prohibition against investing the money of this State or the State Insurance Fund in a repurchase agreement which involves securities that have a term to maturity at the time of purchase in excess of 10 years.

Section 3 of this bill eliminates the requirement that, when the governing body of a local government purchases commercial paper issued by certain corporations or depository institutions as an investment of its money, the purchase must be made from a registered broker-dealer. **Section 3** also eliminates the prohibition against investing the money of the governing body of a local government in a repurchase agreement which involves securities that have a term to maturity at the time of purchase in excess of 10 years.

Section 4 of this bill allows investments of certain money of boards of county commissioners, boards of trustees of county school districts and the governing bodies of incorporated cities in: (1) notes, bonds and other unconditional obligations for the payment of money issued by certain corporations or **~~[depository institutions that are rated by a nationally recognized rating service as "A-" or its equivalent, or better;]~~ banks;** and (2) a portfolio of investments that, in aggregate value, includes up to 25 percent, rather than 20 percent, of notes, bonds or other unconditional obligations for

the payment of money issued by certain corporations or ~~[depository institutions.]~~ **banks.**

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

Section 1. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.

(c) Bonds of this state or of other states.

(d) Bonds of any county of the State of Nevada.

(e) United States treasury notes.

(f) Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.

(g) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(h) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(i) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (k), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (k), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(j) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(k) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (j), inclusive.

(l) The limited partnerships or limited-liability companies described in NRS 355.280.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (i), (j) or (k) of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph (i), (j) or (k) of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. ~~[No part of the State Permanent School Fund may be invested pursuant to a reverse repurchase agreement.]~~ ***Reverse-repurchase agreements are proper and lawful investments of money of the State Permanent School Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 2 if made in accordance with the following conditions:***

(a) In all reverse-repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for reverse-repurchase agreements only upon receipt of the underlying securities; and

(II) Hold the securities separate from the assets of the custodian.

(b) If a reverse-repurchase agreement is made for the purpose of [:

~~***[(1) Obtaining liquidity for the State Permanent School Fund, the State Treasurer shall obligate for the repurchase of the security that is subject to the reverse-repurchase agreement another security held by the State Permanent School Fund which is valued at an amount equal to the amount due for repurchase and which matures on a date within 2 weeks before or after the date on which the reverse-repurchase agreement ends.***~~

~~***[(2) Acquiring]***~~ ***acquiring additional investments, the State Treasurer shall invest the proceeds in*** ~~***[securities]***~~ ***bills and notes of the United States Treasury or Obligations of an agency of the United States which mature on a date within*** ~~***[2 weeks]***~~ ***16 days before or after the date on which the reverse-repurchase agreement ends.***

6. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 2. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation ***,*** ~~[or]~~ the Student Loan Marketing Association ~~[,]~~ ***or other*** ~~***[instrumentality or]***~~ ***agency of the United States,*** whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district ~~[, whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state,]~~ if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;

(k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions or savings and loan associations;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed 20 percent of the total par value of the portfolio as determined on the date of purchase;

(o) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total par value of the portfolio as determined on the date of purchase, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible;

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" ~~*[, "A-"]*~~ or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed ~~[20]~~ ***25*** percent of the total par value of the portfolio, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible;

(q) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;

(r) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(s) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. Repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly; ***and***

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase **.** ~~**[**~~~~**; and**~~

~~(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.~~**]**

3. ***Reverse-repurchase agreements are proper and lawful investments of money of the State*** ~~***[and the State Insurance Fund]***~~ ***for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:***

(a) In all reverse-repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for reverse-repurchase agreements only upon receipt of the underlying securities; and

(II) Hold the securities separate from the assets of the custodian.

(b) If a reverse-repurchase agreement is made for the purpose of:

(1) Obtaining liquidity for the State **,** ~~***[for the State Insurance Fund,]***~~ ***the State Treasurer shall obligate for the repurchase of the security that is***

subject to the reverse-repurchase agreement another security held by the State ~~[or the State Insurance Fund, as applicable,]~~ which is valued at an amount equal to the amount due for repurchase and which matures on a date within ~~[2 weeks]~~ 16 days before or after the date on which the reverse-repurchase agreement ends.

(2) Acquiring additional investments, the State Treasurer shall invest the proceeds in ~~[securities]~~ bills and notes of the United States Treasury or obligations of an agency of the United States which mature on a date within ~~[2 weeks]~~ 16 days before or after the date on which the reverse-repurchase agreement ends.

4. As used in ~~[~~subsection 2:~~]~~ ***this section:***

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

~~[4. No money of this state may be invested pursuant to a reverse repurchase agreement, except money invested pursuant to chapter 286 of NRS.]~~

(c) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State ~~[or State Insurance Fund]~~ which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 3. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(c) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(d) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(e) Negotiable certificates of deposit issued by commercial banks, insured credit unions or savings and loan associations.

(f) Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

(g) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions or insured savings and loan associations, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(h) Subject to the limitations contained in NRS 355.177, negotiable notes medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

(i) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed 20 percent of the money available to a local government for investment as determined on the date of purchase.

(j) Obligations of state and local governments if:

(1) The interest on the obligation is exempt from gross income for federal income tax purposes; and

(2) The obligation has been rated "A" or higher by one or more nationally recognized bond credit rating agencies.

(k) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) ~~[Is purchased from a registered broker-dealer;~~

~~(2)]~~ At the time of purchase has a remaining term to maturity of no more than 270 days; and

~~[(3)]~~ *(2)* Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total portfolio as determined on the date of purchase, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

(l) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

(m) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly; ***and***

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase **.** ~~**[**~~~~; and~~

~~(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.~~**]**

3. ~~***[Reverse repurchase agreements are proper and lawful investments of money of the governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:***~~

~~***(a) In all reverse repurchase agreements:***~~

~~***(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and***~~

~~***(2) The governing body of the local government must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:***~~

~~***(I) Disburse cash for reverse repurchase agreements only upon receipt of the underlying securities; and***~~

~~***(II) Hold the securities separate from the assets of the custodian.***~~

~~***(b) If a reverse repurchase agreement is made for the purpose of:***~~

~~***(1) Obtaining liquidity for a local government, the governing body of the local government shall obligate for the repurchase of the security that is subject to the reverse repurchase agreement another security held by the local government which is valued at an amount equal to the amount due for repurchase and which matures on a date within 2 weeks before or after the date on which the reverse repurchase agreement ends.***~~

~~***(2) Acquiring additional investments, the governing body of the local government shall invest the proceeds in securities which mature on a date within 2 weeks before or after the date on which the reverse repurchase agreement ends.***~~

~~***4.]***~~ The securities described in paragraphs (a), (b) and (c) of subsection 1 ~~***[1]***~~ and the repurchase agreements described in subsection 2 ~~***[and the reverse repurchase agreements described in subsection 3]***~~ may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and

the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. ~~[5.]~~ When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 ~~[,]~~ or 2, ~~[or 3,]~~ those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. ~~[6.]~~ Any interest earned on money invested pursuant to subsection 3, ~~[4]~~ may, at the discretion of the governing body of the local government, be credited to the fund from which the principal was taken or to the general fund of the local government.

6. ~~[7.]~~ The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 ~~[4]~~ and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. ~~[8.]~~ This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. ~~[9.]~~ As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

~~[(d) "Reverse repurchase agreement" means a purchase of securities by a counterparty from the governing body of a local government which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.]~~

Sec. 4. NRS 355.171 is hereby amended to read as follows:

355.171 1. Except as otherwise provided in this section, a board of county commissioners, a board of trustees of a county school district or the governing body of an incorporated city may purchase for investment:

(a) Notes, bonds and other unconditional obligations for the payment of money issued by corporations organized and operating in the United States ***or by ~~[depository institutions]~~ banks licensed by the United States or any state and operating in the United States*** that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of no more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" ***~~["A-"]~~*** or its equivalent, or better.

(b) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent.

(c) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. With respect to investments purchased pursuant to paragraph (a) of subsection 1:

(a) Such investments must not, in aggregate value, exceed ***~~[~~***20***~~]~~*** ***25*** percent of the total portfolio as determined on the date of purchase;

(b) Not more than 25 percent of such investments may be in notes, bonds and other unconditional obligations issued by any one corporation; and

(c) If the rating of an obligation is reduced to a level that does not meet the requirements of that paragraph, the obligation must be sold as soon as possible.

3. Subsections 1 and 2 do not:

(a) Apply to a:

(1) Board of county commissioners of a county whose population is less than 100,000;

(2) Board of trustees of a county school district in a county whose population is less than 100,000; or

(3) Governing body of an incorporated city whose population is less than 150,000,

➥ unless the purchase is effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments or by an investment adviser who is registered with the Securities and Exchange Commission and approved by the State Board of Finance.

(b) Authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

Sec. 5. ~~[NRS 355.175 is hereby amended to read as follows:~~

~~355.175 1. The governing body of any local government or agency, whether or not it is included in the provisions of chapter 354 of NRS, may:~~

~~(a) Direct its treasurer or other appropriate officer to invest its money or any part thereof in any investment which is lawful for a local government pursuant to NRS 355.170; or~~

~~(b) Allow a county treasurer to make such investments through a pool as provided in NRS 355.168.~~

~~2. In case of conflict, any order made pursuant to paragraph (a) of subsection 1 takes precedence over any other order concerning the same money or funds pursuant to subsection [5] 6 of NRS 355.170.~~

~~3. Any interest earned from investments made pursuant to this section must be credited, at the discretion of the local governing unit, to any fund under its control, but the designation of the fund must be made at the time of investment of the principal.]~~ **(Deleted by amendment.)**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment removes the Permanent School Fund and the State Insurance Fund from the reverse repurchase provisions of the bill; requires reverse repurchase agreements to be invested in U.S. treasuries and government agency securities only; eliminates the change allowing the purchase of corporate bonds with an A-minus rating; eliminates the change allowing local governments to invest using reverse repurchase agreements; clarifies that corporate bonds will be purchased from a bank as opposed to a savings and loan; and changes the maturity time for agency securities from "within two weeks" to "16 days." Finally, the amendment reinstates the language regarding the option to invest in the bonds of general improvement districts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 364.

SUMMARY— ~~[Eliminates]~~ **Increases** the statute of limitations for sexual assault. (BDR 14-1062)

AN ACT relating to crimes; ~~[eliminating]~~ **increasing** the statute of limitations for sexual assault; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, criminal information or complaint, within 4 years after the commission of the offense. (NRS 171.085) This bill ~~[eliminates that limitation and]~~ provides that ~~[there is no limitation of time within which]~~ a prosecution for sexual assault must be commenced ~~[.]~~ **within 20 years after the commission of the offense.**

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

Section 1. ~~[NRS 171.080 is hereby amended to read as follows:~~

~~171.080 There is no limitation of the time within which a prosecution for:~~

~~1. Murder must be commenced. It may be commenced at any time after the death of the person killed.~~

~~2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.~~

~~*3. Sexual assault must be commenced. It may be commenced at any time after the commission of the offense.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 171.083 is hereby amended to read as follows:~~

~~171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, [a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or] a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking [,] files with a law enforcement officer a written report concerning the [sexual assault or] sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the [sexual assault or] sex trafficking must be commenced.~~

~~2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.~~

~~3. If a victim of [a sexual assault or] sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the [sexual assault or] sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.~~

~~4. For the purposes of this section, a victim of [a sexual assault or] sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.~~

~~5. As used in this section, "law enforcement officer" means:~~

~~(a) A prosecuting attorney;~~

~~(b) A sheriff of a county or the sheriff's deputy;~~

~~(c) An officer of a metropolitan police department or a police department of an incorporated city; or~~

~~(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, ~~[sexual assault,]~~ sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. ***Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.***

3. Any felony other than the felonies listed in ~~[subsection]~~ ***subsections*** 1 ***and 2*** must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. ~~[NRS 171.095 is hereby amended to read as follows:~~

~~171.095 1. Except as otherwise provided in subsection 2 and NRS~~ ***171.080,*** ~~171.083 and 171.084:~~

~~(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

~~(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:~~

~~(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or~~

~~(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.~~

~~(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.~~

~~2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.~~] **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of this act apply to a person who:

1. Committed sexual assault, as defined in NRS 200.366, before October 1, 2015, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2015.

2. Commits sexual assault, as defined in NRS 200.366, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Sections 1, 2 and 4 of the bill are deleted. Section 3 increases the statute of limitations for sexual assault to 20 years after the commission of the offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 538.

AN ACT relating to public safety; revising provisions relating to penalties for soliciting a child for prostitution; revising the purposes for which money in the Contingency Account for Victims of Human Trafficking may be used; revising the process by which the Director of the Department of Health and Human Services may make allocations of money from the Contingency Account in cases of emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Contingency Account for Victims of Human Trafficking. The money in the Contingency Account is to be expended only for the purpose of establishing or providing programs or services to victims of human trafficking. (NRS 217.530) **Section 1** of this bill authorizes a limited portion of the money in the Contingency Account to be used for fundraising for the direct benefit of the Contingency Account.

Existing law requires the Grants Management Advisory Committee of the Department of Health and Human Services to review applications for allocations from the Contingency Account and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. (NRS 217.540) **Section 2** of this bill eliminates the requirements of review and recommendation by the Advisory Committee if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

Existing law provides that a person who solicits a child for prostitution is guilty of a category E felony. (NRS 201.354) **Section 3** of this bill increases the penalty for this offense to make: (1) the first offense a category E felony punishable by the penalties applicable to other category E felonies and a mandatory fine of not more than $5,000; (2) the second offense a category ~~[B]~~ **D** felony punishable by ~~[imprisonment in the state prison for a minimum term of 2 years and a maximum term of 10 years and a fine of not more than $10,000;]~~ **the penalties applicable to other category D felonies;** and (3) the third and subsequent offense a category ~~[A]~~ **C** felony punishable by ~~[imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and a fine of not more than $10,000.]~~ **the penalties applicable to other category C felonies. Section 3 further prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution.**

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

Section 1. NRS 217.530 is hereby amended to read as follows:

217.530 1. The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the Contingency Account. The money in the Contingency Account ~~[must]~~ ***:***

(a) Must be expended only for the ~~[purpose]~~ ***purposes*** of ~~[establishing]~~ ***:***

(1) Establishing or providing programs or services to victims of human trafficking ~~[and is]~~ ***; and***

(2) Fundraising for the direct benefit of the Contingency Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the Contingency Account at the beginning of that fiscal year, whichever is less.

(b) Is hereby authorized for expenditure as a continuing appropriation for ~~[this purpose.]~~ ***these purposes.***

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

4. The interest and income earned on the money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Contingency Account must be carried forward to the next fiscal year.

Sec. 2. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to applicants. ***If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.***

3. The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking.

Sec. 3. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor.

3. A person who violates subsection 1 by soliciting a child for prostitution ***:***

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, and by a fine of not more than $5,000.***

(b) For a second offense, is guilty of a category ~~[B]~~ D felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.]~~ as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category ~~[A]~~ C felony and shall be punished ~~[by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.]~~ as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

Sec. 4. ~~[The]~~ **For the sole purpose of determining the number of offenses committed by a person for the purposes of NRS 201.354, as amended by section 3 of this act, the** amendatory provisions of this act apply to offenses committed before **, on or after** the effective date of this act **.** ~~[for the purpose of determining whether a person is subject to the provisions of paragraph (b) or (c) of subsection 3 of NRS 201.354, as amended by this act.]~~

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows for the fundraising for the direct benefit of the Contingency Account for Victims of Human Trafficking. The total amount of money expended in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the account at the beginning of the fiscal year, whichever is less.

If the Director of the Department of Health and Human Services determines that an emergency exists and an allocation of money is needed, the Director may make the allocation without the review of the application and the making of recommendations by the Grants Management Advisory Committee.

The amendment revises the penalties for the solicitation of a child for prostitution. For first offense, a person is guilty of a category E felony; for second offense, a person is guilty of a category D felony; for third or subsequent offense, a person is guilty of a category C felony. The court shall not grant probation to or suspend the sentence of a person convicted of a third or subsequent offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 238.

AN ACT relating to crimes; defining the term "abandonment" as it relates to the care of older persons and vulnerable persons; revising the definitions of the terms ~~[~~"abuse" and~~]~~ **"abuse,"** "exploitation" **and "isolation"** as they relate to offenses committed upon older persons and vulnerable persons; revising provisions concerning the reporting of abuse, neglect, exploitation, isolation or abandonment of an older person; requiring that the name **and other identifying information** of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available in certain circumstances; ~~[revising penalties concerning the abuse or neglect of an older person or a vulnerable person;]~~ prohibiting the abandonment of an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the abuse, neglect, exploitation or isolation of older persons and vulnerable persons. (NRS 200.5091-200.50995) This bill generally adds the abandonment of older persons and vulnerable persons to such provisions.

~~[Existing law specifically prohibits a person from abusing, neglecting, exploiting or isolating an older person or a vulnerable person, and provides penalties for a violation thereof. (NRS 200.5099) Section 14 of this bill revises certain existing penalties relating to the abuse or neglect of older persons and vulnerable persons depending on whether the offense was: (1) negligent or willful; and (2) a first or subsequent offense. Section 14 also imposes a new penalty for the abandonment of an older person or vulnerable person and provides that unless a greater penalty is provided by law, any person who abandons an older person or a vulnerable person is guilty: (1) for a negligent offense, of a misdemeanor; and (2) for a willful offense, of a gross misdemeanor.]~~

Section 3 of this bill defines the term "abandonment" to mean the **:** ~~[willful or negligent:]~~ (1) desertion of an older person or a vulnerable person **in an unsafe manner** by a caretaker or other person with a **legal** duty of care; or (2) withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person. **Section 3** also provides that the term "abuse" includes: (1) infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act; ~~[and]~~ (2) nonconsensual sexual contact with an older person or a vulnerable person ~~[.]~~ **;**

and (3) permitting acts which constitute abuse to be committed against an older person or a vulnerable person. Additionally, **section 3** provides that the term ~~[“exploitation” includes deliberately misplacing or losing the belongings or money of an older person or a vulnerable person without his or her consent. Finally, section 3 specifies that abuse, neglect, isolation or abandonment of an older person or a vulnerable person can be willful or negligent.]~~ **“isolation” includes permitting acts which constitute isolation to be committed against an older person or a vulnerable person. Finally, section 3 revises the definition of the term “undue influence” for purposes of the definition of the term “exploitation,” and revises the definition of the term “protective services” to include services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.**

Existing law requires certain professionals who know or have reasonable cause to believe that an older person has been abused, neglected, exploited or isolated to report, in certain circumstances, such abuse, neglect, exploitation or isolation to: (1) the local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff’s office; (3) the county’s office for protective services, if one exists in the county where such suspected abuse, neglect, exploitation or isolation occurred; or (4) a toll-free telephone service designated by the Aging and Disability Services Division. (NRS 200.5093) **Section 4** of this bill removes the option to report suspected acts to the county’s office for protective services.

Existing law also requires that reports made concerning the abuse, neglect, exploitation or isolation of an older person or a vulnerable person, and records and investigations relating to those reports, are confidential, and a person, law enforcement agency or public or private agency, institution or facility can release data or information concerning the reports and investigation only in certain limited circumstances. Such circumstances include data or information concerning the reports and investigation being made available to: (1) an agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person; (2) the older person or vulnerable person named in the report, if that person is not legally incompetent; and (3) if the person who is reported to have abused, neglected, exploited or isolated the older person or vulnerable person is the holder of a certain license or certificate, the board that issued the license. (NRS 200.5095) **Section 7** of this bill provides that if data or information concerning the reports and investigation is made available in such circumstances, the name **and any other identifying information** of the person who made the report must be redacted before the data or information is made available.

Sections 2, 5, 6, 8-13, 16-24 and 26-41 of this bill generally add a reference to the term “abandonment” to certain provisions of existing law that reference the abuse, neglect, exploitation or isolation of an older person or a vulnerable person.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 2. NRS 200.5091 is hereby amended to read as follows:

200.5091 It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation ***,*** ~~[and]~~ isolation ***and abandonment*** of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation ***,*** ~~[and]~~ isolation ***and abandonment*** of older persons and vulnerable persons.

Sec. 3. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. "***Abandonment" means :*** ~~***[willful or negligent:]***~~

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. **"**Abuse" means willful ***:*** ~~[and unjustified:~~ ~~***or negligent:]***~~

(a) Infliction of pain ~~[,]~~ ***or*** injury ~~[or mental anguish]~~ on an older person or a vulnerable person; ~~[or]~~

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person ~~[.~~

~~2.]~~ ***;***

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, ~~[humiliating, embarrassing,]~~ controlling or socially isolating the older person or vulnerable person;

(2) Disregarding ~~[or trivializing]~~ the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets; ~~[or]~~

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person ***[.]*** ***; or***

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. **"**Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property ***.*** ~~***[; or***~~

~~***(c) Deliberately misplace or lose the belongings or money of the older person or vulnerable person without his or her consent.]***~~

➥ As used in this subsection, "undue influence" ***means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term*** does not include the normal influence that one member of a family has over another.

~~[3.]~~ ***4.*** **"**Isolation" means ~~[willfully, maliciously and intentionally~~ ~~***or negligently]***~~ preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally ~~***[or negligently]***~~ preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor; ~~[or]~~

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person ~~[.]~~ ***; or***

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

~~[4.]~~ ***5.*** **"**Neglect" means the ~~***[willful or negligent]***~~ failure of ~~[:~~

~~(a) A~~ ***a*** person ***or a manager of a facility*** who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person ~~; or~~

~~(b) An older person or a vulnerable person to provide for his or her own needs because of inability to do so.~~

~~5.~~ ***6.*** "Older person" means a person who is 60 years of age or older.

~~6.~~ ***7.*** "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation ***,*** ~~and~~ isolation ***and abandonment*** of older persons. The services may include ***:***

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance ~~,~~ ***; and***

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

~~7.~~ ***8.*** "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited ***,*** ~~or~~ isolated ***or abandoned*** shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation ***,*** ~~or~~ isolation ***or abandonment*** of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; ***or***

(3) ~~The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~(4)~~ A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited ***,*** ~~or~~ isolated ~~,~~ ***or abandoned.***

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation ***,*** ~~or~~ isolation ***or abandonment*** of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the

person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited **,** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a

result of abuse, neglect **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment,*** the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited **,** ~~[or]~~ isolated ~~[,]~~ ***or abandoned,*** the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** shall:

(a) Report the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited **,** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a

law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited **,** ~~**[**or**]**~~ isolated ~~**[**.**]**~~ ***or abandoned.***

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation **,** ~~**[**or**]**~~ isolation ***or abandonment*** of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation **,** ~~**[**or**]**~~ isolation ***or abandonment*** of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect **,** ~~**[**or**]**~~ isolation ~~**[**,**]**~~ ***or abandonment,*** the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. A person may make a report pursuant to NRS 200.5093 or 200.50935 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

(a) The name and address of the older person or vulnerable person;

(b) The name and address of the person responsible for his or her care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** the older person or vulnerable person;

(d) The nature and extent of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited **,** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

Sec. 7. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited **,** ~~[or]~~ isolated ~~[;]~~ ***or abandoned;***

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment;***

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment;*** or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited **,** ~~[or]~~ isolated ~~[,]~~ ***or abandoned,*** if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 8. NRS 200.50955 is hereby amended to read as follows:

200.50955 A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person.

Sec. 9. NRS 200.5096 is hereby amended to read as follows:

200.5096 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person; or

3. Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

Sec. 10. NRS 200.5098 is hereby amended to read as follows:

200.5098 1. The Aging and Disability Services Division of the Department of Health and Human Services shall:

(a) Identify and record demographic information on the older person who is alleged to have been abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** and the person who is alleged to be responsible for such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.***

(b) Obtain information from programs for preventing abuse of older persons, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive.

2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons. Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

Sec. 11. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, do not prohibit an agency which is investigating a report of abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment,*** or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person to other federal, state

or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

(a) The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

(b) Proper safeguards are taken to ensure the confidentiality of the information.

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation **, [~~or~~]** isolation ***or abandonment*** of an older person, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person; and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person.

Sec. 12. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting **, [~~or~~]** isolating ***or abandoning*** the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 13. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting **,** ~~[or]~~ isolating ***or abandoning*** the older person in violation of NRS 200.5091 to 200.50995, inclusive.

Sec. 14. ~~[NRS 200.5099 is hereby amended to read as follows:~~

~~200.5099 1. Except as otherwise provided in subsection [6,] 7, any person who abuses an older person or a vulnerable person is guilty:~~

~~(a) For *the first negligent offense, of a misdemeanor;*~~

~~*(b) For any subsequent negligent offense, or for* the first *willful* offense, of a gross misdemeanor; or~~

~~[(b)] *(c)* For any subsequent *willful* offense , or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,~~

~~" unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~2. Except as otherwise provided in subsection [7,] 8, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:~~

~~(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;~~

~~(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or~~

~~(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,~~

~~" is guilty of a *misdemeanor for a negligent offense or a* gross misdemeanor *for a willful offense,* unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:~~

~~(a) Is less than $650, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;~~

~~(b) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or~~

~~(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,~~

~~➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.~~

~~4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment.~~

~~5. Any person who isolates an older person or a vulnerable person is guilty:~~

~~(a) For the first offense, of a gross misdemeanor; or~~

~~(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.~~

~~6. *Unless a greater penalty is provided by law, any person who abandons an older person or a vulnerable person is guilty:*~~

~~*(a) For a negligent offense, of a misdemeanor; and*~~

~~*(b) For a willful offense, of a gross misdemeanor.*~~

~~*7.* A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~[7.] *8.* A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~[8.] *9.* In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.~~

~~[9.] *10.* As used in this section:~~

~~(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.~~

~~(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.~~

~~(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.~~] **(Deleted by amendment.)**

Sec. 15. NRS 207.014 is hereby amended to read as follows:

207.014 1. A person who:

(a) Has been convicted in this State of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this State or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a),

➥ is a habitually fraudulent felon and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, if the victim of each offense was an older person, a person with a mental disability or a vulnerable person.

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually fraudulent felon if an indictment is found, if the prior convictions and the alleged offense committed by the accused are felonies of which fraud or intent to defraud is an element and the victim of each offense was:

(a) An older person;

(b) A person with a mental disability; or

(c) A vulnerable person.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

4. As used in this section:

(a) "Older person" means a person who is:

(1) Sixty-five years of age or older if the crime was committed before October 1, 2003.

(2) Sixty years of age or older if the crime was committed on or after October 1, 2003.

(b) "Person with a mental disability" means a person who has a mental impairment which is medically documented and substantially limits one or more of the person's major life activities. The term includes, but is not limited to, a person who:

(1) Suffers from an intellectual disability;

(2) Suffers from a severe mental or emotional illness;

(3) Has a severe learning disability; or

(4) Is experiencing a serious emotional crisis in his or her life as a result of the fact that the person or a member of his or her immediate family has a catastrophic illness.

(c) "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 16. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine whether the employee has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

2. An employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency or the licensing authority, as applicable, for a determination of whether the employee has been convicted of a crime listed in subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a

child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 17. NRS 62G.223 is hereby amended to read as follows:

62G.223 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 18. NRS 62G.353 is hereby amended to read as follows:

62G.353 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the

department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 19. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as

otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect ***,*** ~~[or]~~ exploitation ***, isolation or abandonment*** of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 20. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed ward presents a danger to himself or herself or others; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect ***,*** ~~[or]~~ exploitation ~~[.]~~ ***, isolation or abandonment;*** and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 21. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate

risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed ward faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Whether the proposed ward can live independently with or without assistance or services; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect **, ~~[or]~~** exploitation **~~[.]~~ , *isolation or abandonment;***

(b) A detailed explanation of what risks the proposed ward faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (c) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2)

of paragraph (c) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss, specifically limiting the temporary guardian's authority to take possession of, close or have access to any accounts of the ward or to sell or dispose of tangible personal property of the ward to only that authority as needed to provide for the ward's basic living expenses until a general or special guardian can be appointed. The court may freeze any or all of the ward's accounts to protect such accounts from loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 22. NRS 159.059 is hereby amended to read as follows:

159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.

4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. Is a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect **,** ~~[or]~~ exploitation ***, isolation or abandonment*** of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Sec. 23. NRS 159.1999 is hereby amended to read as follows:

159.1999 1. A court of this State having jurisdiction to appoint a guardian may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

2. If a court of this State declines to exercise its jurisdiction under subsection 1, it shall either dismiss or stay the proceedings. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian be filed promptly in another state.

3. In determining whether it is an appropriate forum, the court shall consider all relevant factors, including, without limitation:

(a) Any expressed preference of the ward;

(b) Whether abuse, neglect **,** ~~[or]~~ exploitation ***, isolation or abandonment*** of the ward has occurred or is likely to occur and which state could best protect the ward from the abuse, neglect **,** ~~[or]~~ exploitation ~~[;]~~ ***, isolation or abandonment;***

(c) The length of time the ward was physically present in or was a legal resident of this State or another state;

(d) The distance of the ward from the court in each state;

(e) The financial circumstances of the ward's estate;

(f) The nature and location of the evidence;

(g) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(h) The familiarity of the court of each state with the facts and issues in the proceeding; and

(i) If an appointment were made, the court's ability to monitor the conduct of the guardian.

Sec. 24. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to

NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; or

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** by the agent or a person acting for or with the agent.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

Sec. 25. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness is an older person or a vulnerable person or may be unable to attend or prevented from attending a trial or hearing, that the witness's testimony is material and that it is necessary to take the witness's deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may, upon motion of a defendant or of the State and notice to the parties, order that the witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If the motion is for the deposition of an older person or a vulnerable person, the court may enter an order to take the deposition only upon good cause shown to the court. If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will

afford to each defendant the opportunity to confront the witnesses against him or her.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court, on written motion of the witness and upon notice to the parties, may direct that the witness's deposition be taken. After the deposition has been subscribed, the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. As used in this section:

(a) "Older person" means a person who is 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 26. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to any entity.

(b) All cases that are currently under investigation and the type of such cases.

(c) All cases that are referred for prosecution and the type of such cases.

(d) All cases in which prosecution is declined or dismissed and any reason for such action.

(e) All cases that are prosecuted and the final disposition of such cases.

(f) All cases that are resolved by agencies which provide protective services and the type of such cases.

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons.

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons.

6. As used in this section:

(a) "***Abandonment" has the meaning ascribed to it in NRS 200.5092.***

(b) **"**Abuse" has the meaning ascribed to it in NRS 200.5092.

~~[(b)]~~ ***(c)*** **"**Exploitation" has the meaning ascribed to it in NRS 200.5092.

~~[(c)]~~ ***(d)*** **"**Isolation" has the meaning ascribed to it in NRS 200.5092.

~~[(d)]~~ ***(e)*** **"**Neglect" has the meaning ascribed to it in NRS 200.5092.

~~[(e)]~~ ***(f)*** **"**Older person" means a person who is 60 years of age or older.

Sec. 27. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited ***,*** ~~[or]~~ isolated ***or abandoned*** in violation of NRS 200.5099 or 200.50995;

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 28. NRS 218E.760 is hereby amended to read as follows:

218E.760 1. The Committee may review, study and comment upon issues relating to senior citizens, veterans and adults with special needs, including, without limitation:

(a) Initiatives to ensure the financial and physical wellness of senior citizens, veterans and adults with special needs;

(b) The abuse, neglect, ~~[isolation and]~~ exploitation ***, isolation and abandonment*** of senior citizens and adults with special needs;

(c) Public outreach and advocacy;

(d) Programs for the provision of services to senior citizens, veterans and adults with special needs in this State and methods to enhance such programs to ensure that services are provided in the most appropriate setting;

(e) Programs that provide services and care in the home which allow senior citizens to remain at home and live independently instead of in institutional care;

(f) The availability of useful information and data as needed for the State of Nevada to effectively make decisions, plan budgets and monitor costs and outcomes of services provided to senior citizens, veterans and adults with special needs;

(g) Laws relating to the appointment of a guardian and the improvement of laws for the protection of senior citizens and adults with special needs who have been appointed a guardian, including, without limitation, the improvement of investigations relating to guardianships and systems for monitoring guardianships; and

(h) The improvement of facilities for long-term care in this State, including, without limitation:

(1) Reducing the number of persons placed in facilities for long-term care located outside this State;

(2) Creating units for acute care and long-term care to treat persons suffering from dementia who exhibit behavioral problems;

(3) Developing alternatives to placement in facilities for long-term care, including, without limitation, units for long-term care located in other types of facilities, and ensuring that such alternatives are available throughout this State for the treatment of persons with psychological needs; and

(4) Creating a program to provide follow-up care and to track the ongoing progress of residents of facilities for long-term care.

2. The Committee may:

(a) Review, study and comment upon matters relating to senior citizens, veterans and adults with special needs;

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and studies of the Committee; and

(d) Make recommendations to the Legislature concerning senior citizens, veterans and adults with special needs.

3. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the next regular session a report concerning the study conducted pursuant to subsection 1.

4. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 29. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or***

abandonment of an older person or the death of an older person that is alleged to be from abuse, neglect **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.*** A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person who is the subject of the review or any person who was in contact with the older person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or the death of an older person that is alleged to be the result of abuse, neglect **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.***

Sec. 30. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person. The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.

Sec. 31. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited ***,*** ~~[or]~~ isolated ***or abandoned*** in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

Sec. 32. NRS 228.495 is hereby amended to read as follows:

228.495 1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the team wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. A multidisciplinary team organized or sponsored pursuant to this section may include, without limitation, the following members:

(a) A representative of the Attorney General;

(b) A representative of any law enforcement agency that is involved with a case under review;

(c) A representative of the district attorney's office in the county where a case is under review;

(d) A representative of the coroner's office in the county where a case is under review;

(e) A representative of any agency which provides social services that is involved in a case under review;

(f) A person appointed pursuant to subsection 3; and

(g) Any other person that the Attorney General determines is appropriate.

3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney General and is subject to the approval of the Attorney General or his or her designee.

4. Each organization represented on a multidisciplinary team organized or sponsored pursuant to this section may share with other members of the team information in its possession concerning a victim who is the subject of a review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. The organizing or sponsoring of a multidisciplinary team pursuant to this section does not grant the Attorney General supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. Before organizing or sponsoring a multidisciplinary team pursuant to this section, the Attorney General shall adopt a written protocol describing the objectives and structure of the team.

7. A multidisciplinary team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A multidisciplinary team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to a review conducted by the team, including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or the death of an older person that is alleged to be from abuse, neglect **,** ~~[or]~~ isolation ***or abandonment*** organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

9. Except as otherwise provided in subsection 10, each member of a multidisciplinary team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.

10. Each member of a multidisciplinary team organized or sponsored pursuant to this section who discloses any confidential information concerning

the death of a child is personally liable for a civil penalty of not more than $500.

11. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a multidisciplinary team organized or sponsored pursuant to this section; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

12. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

13. A multidisciplinary team organized or sponsored pursuant to this section shall submit a report of its activities to the Attorney General. The report must include, without limitation, the findings and recommendations of the team. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

Sec. 33. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of older persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 34. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

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

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

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

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

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 35. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

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

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

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

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

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 36. NRS 427A.1234 is hereby amended to read as follows:

427A.1234 1. The Specialist for the Rights of Elderly Persons shall:

(a) Provide advocacy and education relating to the legal rights of elderly persons and shall facilitate the development of legal services to assist elderly persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of elderly persons to:

(1) An attorney who is providing legal services for an elderly person;

(2) An employee of a law enforcement agency;

(3) The Ombudsman or an advocate;

(4) An employee of an office for protective services of any county; and

(5) An employee of the Division.

(c) Review existing and proposed policies, legislation and regulations that affect elderly persons and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of elderly persons to identify services that need to be provided, including, without limitation:

(1) Methods of intervening on behalf of an elderly person to protect the elderly person from abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment;*** and

(2) Enforcing the laws of this state governing abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of elderly persons.

2. The Specialist for the Rights of Elderly Persons may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(c) Represent and assist any incompetent person until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(e) Develop services relating to financial management for an elderly person who is at risk of having a guardian or conservator appointed by a court to manage his or her property.

(f) Appear as amicus curiae on behalf of elderly persons in any court in this state.

(g) Perform such other functions as are necessary to carry out the duties and the functions of the office of the Specialist for the Rights of Elderly Persons.

Sec. 37. NRS 432A.170 is hereby amended to read as follows:

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

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

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

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

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

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 38. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating

liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 39. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine whether the employee has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

2. An employee must submit to the Division two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

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

5. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

6. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

Sec. 40. NRS 449.172 is hereby amended to read as follows:

449.172 If the Division suspends or revokes the license of a person who operates a residential facility for groups for abuse, neglect **,** ~~[or]~~ ***exploitation,*** isolation ***or abandonment*** of the occupants of the facility, the Division shall suspend or revoke the license of all residential facilities for groups operated by that person. The person who operates the facility shall move all of the persons

who are receiving services in the residential facilities for groups to other licensed residential facilities for groups at his or her own expense.

Sec. 41. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

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

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

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

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

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

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

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

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home or an agency to provide nursing in the home if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 42. NRS 657.240 is hereby amended to read as follows:

657.240 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 43. NRS 657.250 is hereby amended to read as follows:

657.250 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 44. NRS 657.270 is hereby amended to read as follows:

657.270 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 45. NRS 673.783 is hereby amended to read as follows:

673.783 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 46. NRS 673.787 is hereby amended to read as follows:

673.787 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 47. NRS 673.797 is hereby amended to read as follows:

673.797 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 48. NRS 677.683 is hereby amended to read as follows:

677.683 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 49. NRS 677.687 is hereby amended to read as follows:

677.687 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 50. NRS 677.697 is hereby amended to read as follows:

677.697 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 51. NRS 678.771 is hereby amended to read as follows:

678.771 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 52. NRS 678.773 is hereby amended to read as follows:

678.773 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 53. NRS 678.777 is hereby amended to read as follows:

678.777 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies the term "abandonment" to mean the desertion of an older or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care. It also clarifies the term "abuse" to include the permitting of any acts that inflict psychological or emotional anguish, pain, or distress. It defines the term "isolation." It revises the definition of "undue influence." It clarifies the term "exploitation." It revises the definition of "protective services." It adds that any other identifying information of the person who made the report of abuse, neglect, exploitation, isolation, or abandonment of an older or vulnerable person be redacted before the information or data is made available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

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

Amendment No. 270.

AN ACT relating to state agencies; providing for the promotion of public engagement by state agencies using the Internet and Internet tools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that it is the policy of this State to promote public engagement in the activities of the State Government by adopting methods of public participation and public comment that include the use of the Internet and Internet tools. This bill encourages each state agency, to the extent practicable and within the limits of available money, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums and social media. **This bill requires that such a policy must: (1) require that any information communicated to the public using the Internet and Internet tools is written in easily understood language; (2) ensure that legal permission has been obtained for the use of any image on the Internet and Internet tools; and (3) ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.** This bill further authorizes a state agency to designate a public engagement specialist **:** ~~[to:]~~ (1) **to** implement the agency's policy on public engagement; ~~[and]~~ (2) to the extent feasible, **to** provide training on public engagement to other employees of the agency **.** ~~[.]~~ **; and (3) to communicate information to the public related to**

the activities of the state agency using the Internet and Internet tools. In addition, with respect to any proposed major change to an existing policy of a state agency, this bill requires the state agency, to the extent feasible, to hold at least one public meeting in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and provide for public comment using the Internet and Internet tools.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is the policy of this State to strengthen and further promote broad, inclusive and meaningful engagement by the general public and interested stakeholders in the activities of the State Government by adopting methods of public participation and public comment that incorporate the use of the Internet and Internet tools. To assist in carrying out this policy:

(a) Each state agency is encouraged, to the extent practicable and within the limits of available money, to develop a policy on public engagement that incorporates the use of the Internet and Internet tools for the purpose of encouraging public participation and soliciting public comments on the activities of the state agency, including, without limitation, the development or adoption of regulations, policies and programs. The Internet tools used by the state agency may include, without limitation, electronic mail, electronic mailing lists, online forums and social media. The policy must:

(1) Require that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language;

(2) Ensure that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools; and

(3) Ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.

(b) Each state agency may designate an employee as the public engagement specialist. The public engagement specialist shall:

(1) Implement the public engagement policy of the state agency; [and]

(2) To the extent feasible, provide training on public engagement for other employees of the state agency [.] ; and

(3) Communicate information to the public related to the activities of the state agency using the Internet and Internet tools.

(c) If a state agency intends to propose a major change to an existing policy of the state agency, the state agency shall, to the extent feasible, hold at least one public meeting in accordance with the provisions of chapter 241 of NRS in a county whose population is less than 100,000, and provide for public comment using the Internet and Internet tools.

2. The decision by a state agency whether to adopt any particular Internet tool in carrying out its policy on public engagement is at the discretion of the state agency and not subject to judicial review.

3. The provisions of this section are intended to supplement the existing laws of this State applicable to specific state agencies and the existing requirements for such state agencies to provide notice, solicit public comments and hold public hearings. This section does not limit the applicability of any such provision.

4. As used in this section:

(a) "Social media" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

(b) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment requires that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language. It ensures that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools. It ensures that the use of the Internet and Internet tools do not disrupt a public meeting of the state agency. Finally, for the purposes of certain public policy decisions, it requires a state agency, to the extent feasible, to hold at least one public meeting in accordance with the provisions of Chapter 241 of NRS in a county whose population is less than 100,000 and provide for public comment using the Internet and Internet tools.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 3:26 p.m.

ASSEMBLY IN SESSION

At 3:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 310, 463; Senate Bill No. 505 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 161 and 196 be rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bills Nos. 480 and 481 be taken from the General File and rereferred to the Committee on Commerce and Labor.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 62 be taken from the Chief Clerk's desk and placed on the Second Reading.

Motion carried

NOTICE OF EXEMPTION

April 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 211.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 62.

Bill read second time.

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

Amendment No. 116.

[CONTAINS UNFUNDED MANDATE (§ ~~[8),]~~**34.5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]

AN ACT relating to veterans; establishing "Veterans Day at the Legislature" as a day of observance; revising provisions relating to preferences in state purchasing **and state public works** for a business owned and operated by a veteran with a service-connected disability; ~~[providing for the disposition of the unclaimed remains of a veteran by a county coroner;]~~ authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; requiring certain state agencies and regulatory bodies to report certain information to the Interagency Council on Veterans Affairs; requiring the Council to report such information to the Legislature; requiring the Director of the Department of Veterans Services to compile in digital form certain information relating to state laws that affect veterans; requiring the Director to provide such information electronically to certain veterans for whom the Department has an electronic mail address of record; requiring the Director to maintain such information on its Internet website; authorizing xeriscaping in the area immediately above and surrounding the interred remains of a veteran at a veterans' cemetery under certain circumstances; **providing for the disposition of the unclaimed remains of a**

veteran by certain county agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) **Section 1** of this bill establishes the third Wednesday of March during each regular session of the Legislature as "Veterans Day at the Legislature," which is a day of observance and not a legal holiday.

~~[Under existing law, a bid or proposal submitted by a local business owned by a veteran with a service-connected disability for a state purchasing contract or contract for a public work is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.3366, 338.13844) Section 4 of this bill requires the Office of Economic Development to certify a business as a local business owned and operated by a veteran with a service-connected disability if the business submits certain information and the Office determines that the business is a local business owned and operated by a veteran with a service-connected disability. Section 5 of this bill requires: (1) each state agency to submit all solicitations for the award of a contract and any information supporting the solicitation to the Office; and (2) the Office to maintain a database of such information that is made available to the certified businesses. Section 6 of this bill requires the Office to maintain an electronic directory of certified businesses and to cooperate with the Department of Veterans Services and certain nonprofit organizations to support businesses that may be eligible for certification. Sections 15 and 19 of this bill provide that a business qualifies for the 5-percent preference on certain contracts if the business is certified as a local business owned and operated by a veteran with a service-connected disability pursuant to section 4. Sections 15 and 19 also provide for the breaking of a tie for low bid in favor first of a business certified pursuant to section 4 and second of the business with the lowest net worth.~~

~~Existing law provides for the creation, powers and duties of a county coroner. (NRS 244.163; chapter 259 of NRS) Section 8 of this bill provides for the disposition of the unclaimed remains of a veteran by a county coroner.]~~

Under existing law, a bid or proposal for a state purchasing contract for which the estimated cost exceeds $50,000 that is submitted by a local business owned by a veteran with a service-connected disability of at least zero percent and who is a responsive and responsible bidder is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.300, 333.3365, 333.3366) Section 15 of this bill provides that this 5-percent preference applies with respect to bids or proposals by such veterans for state purchasing contracts for which the estimated cost is more than $50,000 but not more than $250,000. For state purchasing contracts for which the estimated cost is more than $250,000 but less than $500,000, section 15 makes only a veteran with a service-connected disability of 50 percent or more eligible for the 5-percent preference.

Under existing law, a bid submitted by a local business owned by a veteran with a service-connected disability of at least zero percent for a contract for a state public work for which the estimated cost is $100,000 or less is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 338.13843, 338.13844) Section 19 of this bill provides a similar 5-percent preference to a local business owned by a veteran with a service-connected disability of 50 percent or more for a contract for a state public work for which the estimated cost is more than $100,000 but less than $250,000.

Section 18.5 of this bill revises the ownership qualifications for eligibility of a local business owned by a veteran with a service-connected disability for the 5-percent preference on state purchasing and state public works contracts from one or more veterans with service-connected disabilities to not more than five veterans with service-connected disabilities. (NRS 333.3362, 338.13841)

Under existing law, the Purchasing Division and the State Public Works Division of the Department of Administration are required to provide a biannual report to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, regarding bids or proposals submitted by local businesses owned by a veteran with a service-connected disability for state purchasing and state public works contracts and any such contracts awarded to those businesses. (NRS 333.3368, 338.13846) Sections 16 and 20 of this bill require those Divisions to also submit such reports to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs when the Legislature is not in session.

Sections 9, 22, 24, 26, 27 and 31 of this bill provide for the naming by the Governor of a state building, park, monument, bridge, road or other property **constructed, acquired, leased or opened on or after July 1, 2015,** after ~~[certain]~~ deceased members of the Armed Forces of the United States ~~[.]~~ **who were residents of this State and killed in action.**

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 28** of this bill requires certain state agencies and regulatory bodies to report to the Council certain information relating to veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission. **Section 29** of this bill requires the Director of the Department to prepare a digital copy of certain information relating to state laws that affect veterans and services for veterans and to provide the information in digital form to each veteran in this State for whom the Department has an electronic mail address of record. **Section 29** further requires the Director to publish such information on the Department's Internet website.

Existing law provides for the establishment, operation and maintenance of veterans' cemeteries in this State, and further requires a cemetery

superintendent to ensure that the area immediately above and surrounding the interred remains of veterans in each veterans' cemetery is landscaped with natural grass. (NRS 417.200-417.230) **Sections 32 and 33** of this bill require a cemetery superintendent to ensure that the area is landscaped with natural grass only if a veteran does not indicate by testamentary instrument or on an application for interment at the cemetery his or her desire to have the area landscaped with xeriscaping.

Section 34.5 of this bill provides for the reporting and disposition of the unclaimed remains of a veteran by the agency in a county that is responsible for interring or cremating the remains of indigent persons.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

The third Wednesday in March during each regular session of the Legislature is established as "Veterans Day at the Legislature" in the State of Nevada in recognition of the contributions veterans have made to the prosperity of Nevada and the United States.

Sec. 2. ~~[Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~*[As used in sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the term "veteran with a service-connected disability" means a veteran of the Armed Forces of the United States who:*~~

~~*1. Is a resident of this State; and*~~

~~*2. Has a service-connected disability of at least 5 percent as determined by the United States Department of Veterans Affairs.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. To receive certification as a local business owned and operated by a veteran with a service-connected disability, a local business must submit an application to the Office, on a form prescribed by the Office, which includes:*~~

~~*(a) The name of the business;*~~

~~*(b) The name and service-connected disability rating of the veteran with a service-connected disability submitting the application on behalf of the business;*~~

~~*(c) The name, percentage of ownership interest and service-connected disability rating, if any, of each person with an ownership interest in the business;*~~

~~*(d) The name and service-connected disability rating, if any, of each person who manages or operates the business on a day-to-day basis, including the name and service-connected disability rating of each veteran whose spouse or permanent caregiver manages or operates the business on a day-to-day basis;*~~

~~(c) Documentation issued by the United States Department of Veterans Affairs or the United States Department of Defense which supports the service-connected disability rating reported for each person pursuant to paragraphs (b), (c) and (d);~~

~~(f) The number of permanent, full-time employees of the business;~~

~~(g) The location of the headquarters of the business; and~~

~~(h) The net worth of the business, including any affiliates, or, if the business is a sole proprietorship, the net worth of the sole proprietor, including both personal and business investments.~~

~~2. The Office shall certify an applicant as a local business owned and operated by a veteran with a service-connected disability if:~~

~~(a) The Office determines that:~~

~~(1) At least 51 percent of the ownership interest is held by one or more veterans with service-connected disabilities;~~

~~(2) The business is organized to engage in commercial transactions;~~

~~(3) The business is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities or, if a veteran with a service-connected disability is permanently and totally disabled, the spouse or caregiver of such a veteran;~~

~~(4) The business employs not more than 200 permanent, full-time employees;~~

~~(5) The business has, together with any affiliates, a net worth of not more than $5,000,000 or, if the business is a sole proprietorship, whose sole proprietor has a net worth of not more than $5,000,000, including both business and personal investments; and~~

~~(6) The business is domiciled in this State; or~~

~~(b) The Office determines that:~~

~~(1) The business otherwise meets the requirements of subparagraphs (2), (4), (5) and (6) of paragraph (a);~~

~~(2) The business is owned and operated by the spouse of a deceased veteran with a service-connected disability, as determined by the United States Department of Veterans Affairs; and~~

~~(3) The business was transferred to the spouse upon the death of the veteran.~~

~~3. If the service-connected disability of the veteran who owns or transferred his or her interest in the business applying for certification has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the Office shall note that fact in the certification issued.~~

~~4. A certification issued pursuant to subsection 2 expires 2 years after its issuance and may be renewed by submitting an application pursuant to subsection 1.~~

~~5. A business certified pursuant to this section shall notify the Office within 30 business days after the occurrence of any event that may affect the certification of the business, including, without limitation, a change in the~~

~~*ownership or management of the day-to-day operations of the business. The Office shall:*~~

~~*(a) Revoke the certification of a business that violates this subsection;*~~

~~*(b) Prohibit each person with an ownership interest in a business that violates this subsection from holding an ownership interest in any business that applies for or holds certification pursuant to this section for a period of 1 year immediately following the date on which the Office revokes the certification of the business; and*~~

~~*(c) Allow a business that violates this subsection to reapply for certification 1 year after the date of the revocation.*~~

~~*6. A business whose certification is revoked pursuant to subsection 5 may submit a bid or proposal for a state contract but may not receive a preference for that bid or proposal pursuant to NRS 333.3366 or 338.13844.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. Each state agency shall, in a timely manner, provide the Office with each solicitation for the award of a contract by the state agency and any information relating to that solicitation which may be necessary to enable a business to offer a bid or proposal for the contract.*~~

~~*2. The Office shall maintain a database of the information submitted to the Office pursuant to subsection 1 and make the database available to businesses certified pursuant to section 4 of this act.*~~

~~*3. The Office shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, a report which must contain, for the period since the submission of the last report, the number of:*~~

~~*(a) Businesses certified pursuant to section 4 of this act;*~~

~~*(b) Certified businesses that used the database maintained pursuant to subsection 2 to offer a bid or proposal for a contract with a state agency; and*~~

~~*(c) Certified businesses that were awarded a contract with a state agency, including the number of certified businesses that were awarded a contract after using the database maintained pursuant to subsection 2 to offer a bid or proposal for the contract.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. The Office shall:*~~

~~*(a) Maintain an electronic directory of businesses certified pursuant to section 4 of this act for use by the State, its agencies and political subdivisions and the public;*~~

~~*(b) Cooperate with the Department of Veterans Services to:*~~

~~*(1) Identify local businesses that may be eligible for certification pursuant to section 4 of this act;*~~

~~*(2) Encourage and assist such businesses in applying for certification; and*~~

~~*(3) Provide information regarding services that are available to such businesses from the Office or from nonprofit organizations to support local businesses owned and operated by veterans with service-connected*~~

~~*disabilities, including, without limitation, the Elite Service-Disabled Veteran Owned Business Network of Nevada; and*~~

~~*(c) Accept and consider recommendations and information relating to the certification of a business submitted to the Office by a nonprofit organization to support businesses owned and operated by veterans with service-connected disabilities, including, without limitation, the Elite Service-Disabled Veteran Owned Business Network of Nevada.*~~

~~*2. The Executive Director may adopt such regulations as may be necessary to carry out the provisions of sections 3 to 6, inclusive, of this act. In adopting such regulations, the Executive Director shall, to the extent practicable, cooperate and coordinate with the Purchasing Division and the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 333.3369 and 338.13847 are reasonably consistent.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:~~

~~(a) New industries which have the potential to be developed in this State;~~

~~(b) The strengths and weaknesses of this State for business incubation;~~

~~(c) The competitive advantages and weaknesses of this State;~~

~~(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~

~~(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, *and sections 3 to 6, inclusive, of this act* and 231.1573 to 231.1597, inclusive.~~

~~7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, *and sections 3 to 6, inclusive, of this act* and 231.1573 to 231.1597, inclusive.~~

~~8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.~~ **(Deleted by amendment.)**

Sec. 8. ~~[Chapter 259 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A county coroner who obtains custody of the unclaimed human remains of a deceased person who the county coroner knows, has reason to know or reasonably believes is a veteran shall report the name of the deceased person to the Department of Veterans Services not later than 1 year after obtaining custody of the remains.*~~

~~*2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county coroner.*~~

~~*3. If the Department of Veterans Services provides notice to a county coroner of a determination that a deceased person is a veteran who:*~~

~~*(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county coroner shall arrange for the proper disposition of the veteran's remains with:*~~

~~*(1) A national cemetery or veterans' cemetery; or*~~

~~*(2) The Department of Veterans Services.*~~

~~*(b) Is not eligible for interment at a national cemetery or a veterans' cemetery, the county coroner shall cause the veteran's remains to be decently interred in the county, regardless of whether the veteran was indigent or without sufficient means to defray the expenses of interment.*~~

~~*4. A county coroner is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.*~~

~~*5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.*~~ ~~]~~ **(Deleted by amendment.)**

Sec. 9. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name after a deceased member of the Armed Forces of the United States a building, ground or other property constructed, acquired, leased or opened on or after July 1, 2015, over which the Administrator has supervision and control pursuant to NRS 331.070.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective building, ground or property as directed by the Governor pursuant to subsection 1.

Sec. 10. NRS 331.010 is hereby amended to read as follows:

331.010 As used in NRS 331.010 to 331.145, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Buildings and Grounds Section" means the Buildings and Grounds Section of the Division.

3. "Department" means the Department of Administration.

4. "Director" means the Director of the Department.

5. "Division" means the State Public Works Division of the Department.

Sec. 11. NRS 331.080 is hereby amended to read as follows:

331.080 1. ~~[The]~~ ***Except as otherwise provided in section 9 of this act, the*** Administrator may expend appropriated money to meet expenses for the care, maintenance and preservation of the buildings, grounds and their appurtenances identified in NRS 331.070, and for the repair of the furniture and fixtures therein.

2. The Administrator shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein.

Sec. 12. NRS 331.101 is hereby amended to read as follows:

331.101 1. The Buildings and Grounds Operating Fund is hereby created as an internal service fund.

2. ~~[All]~~ ***Except as otherwise provided in section 9 of this act, all*** costs of administering the provisions of NRS 331.010 to 331.145, inclusive, ***and section 9 of this act*** must be paid out of the Buildings and Grounds Operating Fund as other claims against the State are paid.

Sec. 13. ~~[Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 333.3361 is hereby amended to read as follows:~~

~~333.3361 As used in NRS 333.3361 to 333.3369, inclusive, *and section 13 of this act,* unless the context otherwise requires, the words and terms defined in NRS [333.3362 to 333.3365, inclusive,] *333.3364 and section 13 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 15. NRS 333.3366 is hereby amended to read as follows:

333.3366 ***1.*** For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if ~~[a]~~ ***:***

~~*[1.]*~~ ***(a) A*** ~~*[certified]*~~ local business owned ~~*[and operated]*~~ by a veteran with a service-connected disability submits a bid or proposal ***for a contract for which the estimated cost is*** ~~*[$100,000 or less]*~~ ***more than $50,000 but not more than $250,000*** and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

~~*[2.]*~~ ***(b) A*** ~~*[certified]*~~ ***local business owned*** ~~*[and operated]*~~ ***by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost is more than*** ~~*[$100,000]*~~ ***$250,000 but less than*** ~~*[$250,000]*~~ ***$500,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.***

~~*[3. After the application of subsection 1 or 2, as applicable, two or more lowest bids or proposals are identical and only one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid or proposal shall be deemed to be the lowest responsive and responsible bidder.*~~

~~*4. After the application of subsection 1 or 2, as applicable, two or more lowest bids or proposals are identical and more than one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder.]*~~

2. The preferences described in subsection 1 may not be combined with any other preference.

Sec. 16. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[.~~ ~~The]~~ ***, a*** report ***which*** must contain, for the period since the ***submission of the*** last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive , ~~*[, and section 13 of this act.]*~~

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive , ~~*[, and section 13 of this act.]*~~

3. The number of ~~*[certified]*~~ local businesses owned ~~*[and operated]*~~ by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to ~~*[certified]*~~ local businesses owned ~~*[and operated]*~~ by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to ~~*[certified]*~~ local businesses owned ~~*[and operated]*~~ by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 17. ~~[NRS 333.3369 is hereby amended to read as follows:~~

~~333.3369 The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 333.3361 to 333.3369, inclusive [. The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive a preference described in NRS 333.3366;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in NRS 333.3366; and~~

~~3. Such other matters as the Purchasing Division deems relevant.~~

~~** In carrying out the provisions of this section,]~~ ***, and section 13 of this act. In adopting such regulations,*** the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration ***and the Office of Economic Development*** so that any regulations adopted pursuant to this section and NRS 338.13847 ***and section 6 of this act*** are reasonably consistent.~~]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 338.1384 is hereby amended to read as follows:~~

~~338.1384 As used in NRS 338.1384 to 338.13847, inclusive, unless the context otherwise requires, [the words and terms defined in NRS 338.13841, 338.13842 and 338.13843 have the meanings ascribed to them in those sections.]~~ ~~*"certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 18.5. **NRS 338.13841 is hereby amended to read as follows:**

338.13841 "Business owned by a veteran with a service-connected disability" means a business:

1. Of which at least 51 percent of the ownership interest is held by ~~[one or]~~ ***not*** more ***than five*** veterans with service-connected disabilities;

2. That is organized to engage in commercial transactions; and

3. That is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities.

➥ The term includes a business which meets the above requirements that is transferred to the spouse of a veteran with a service-connected disability upon the death of the veteran, as determined by the United States Department of Veterans Affairs.

Sec. 19. NRS 338.13844 is hereby amended to read as follows:

338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if a ~~[:~~

~~(a) A certified~~] local business owned ~~[and operated]~~ by a veteran with a service-connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

~~[(b) After the application of paragraph (a), two or more lowest bids are identical and only one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~

~~(c) After the application of paragraph (a), two or more lowest bids are identical and more than one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~]

2. ***For the purpose of awarding a contract for a public work ~~[in]~~ of this State for which the estimated cost is more than $100,000 but less than $250,000, if ~~[:~~***

~~(a) A certified]~~ ***a local business owned ~~[and operated]~~ by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid and is a responsive and responsible bidder, the bid shall be deemed to be 5 percent lower than the bid actually submitted.***

~~[(b) After the application of paragraph (a), two or more lowest bids are identical and only one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~

~~(c) After the application of paragraph (a), two or more lowest bids are identical and more than one bid was submitted by a certified local business~~

~~***owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.]***~~

3. The ~~[preference]~~ ***preferences*** described in ~~[subsection]~~ ***subsections*** 1 ***and 2*** may not be combined with any other preference.

Sec. 20. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***, a*** report ***which*** must contain, for the period since the ***submittal of the*** last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities that submitted a bid ~~[or proposal]~~ on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 21. ~~[NRS 338.13847 is hereby amended to read as follows:~~

~~338.13847 The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 338.1384 to 338.13847, inclusive. [The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive the preference described in NRS 338.13844;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in NRS 338.13844; and~~

~~3. Such other matters as the Division deems relevant.~~

~~➥ In carrying out the provisions of this section,~~ ***] In adopting such regulations,*** ~~the State Public Works Board and the Division shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration~~ ***and the Office of Economic Development*** ~~so that any~~

~~regulations adopted pursuant to this section and NRS 333.3369 ***and section 6 of this act*** are reasonably consistent.~~] **(Deleted by amendment.)**

Sec. 22. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name, subject to the provisions of NRS 407.065, a state park, monument or recreational area constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective state park, monument or recreational area as directed by the Governor pursuant to subsection 1.

Sec. 23. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph ~~[.]~~ ***and section 22 of this act,*** may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this paragraph, shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 24. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, require the Director to name, subject to the provisions of this chapter, a highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Director shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective highway, road, bridge or transportation facility as required by the Governor pursuant to subsection 1.

Sec. 25. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 29, inclusive, of this act.

Sec. 26. ***1. The Nevada Veterans Services Commission shall recommend to the Governor:***

(a) The names of deceased members of the Armed Forces of the United States to be honored pursuant to the provisions of section 9, 22 [and] or 24 of this act. Each deceased member must have been:

(1) A resident of this State; and

(2) Killed in action. [in Operation Enduring Freedom or Operation Iraqi Freedom.]

(b) The building, ground, property, park, monument, recreational area, highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, which may be named after each deceased member recommended to the Governor pursuant to paragraph (a).

2. The Commission shall develop criteria to be used in determining the names to be recommended to the Governor pursuant to subsection 1.

Sec. 27. ***1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.***

2. The Director and the Deputy Director may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of section 9, 22 and 24 of this act.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 28. *1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.*

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3368 and 338.13846.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide ~~*[:*~~

~~*(a) An]*~~ *an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class . [; and*~~

~~*(b) An annual overview of the number of certified local businesses owned and operated by a veteran with a service-connected disability in this State.]*~~

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) ~~*[The average number of initial and continuing workers' compensation claims filed per week by veterans pursuant to NRS 616C.020;*~~

~~— (d)~~ *The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 ~~[or 616C]~~ of NRS; and*

~~[(e)]~~ *(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to ~~[chapters]~~ chapter 612 ~~[and 616C]~~ of NRS.*

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued ; ~~[to veterans;]~~ and

(c) An overview of the data on veterans collected pursuant to NRS 483.292 and 483.852.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

17. As used in this section:

(a) ~~[“Certified local businesses owned and operated by a veteran with a service-connected disability” means a business that is certified pursuant to section 4 of this act.~~

~~(b)]~~ ”Regulatory body” has the meaning ascribed to it in NRS 622.060.

~~[(c)]~~ (b) “Service member” has the meaning ascribed to it in NRS 125C.0635.

Sec. 29. ***1. The Director shall, not later than September 1 following each regular session of the Legislature, prepare a digital copy of the provisions of NRS relating to veterans and transmit a digital copy to each veteran in this State for whom the Department has an electronic mail address of record.***

2. The Director shall, to the extent practicable, include with the digital copy provided pursuant to subsection 1, a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects veterans in this State. The memorandum may compile each statute into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for veterans, or otherwise affects the amount of money that is available for veterans’ services, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile each bill, or portion of a bill, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the Director or the Department to take action to carry out the statute or bill, a brief plan for carrying out such duties.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which each statute and bill must be carried into effect.

3. If a statute or bill described in subsection 2 is enacted during a special session of the Legislature that concludes after July 1, the Director shall, to the extent practicable, prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided electronically to each veteran who received the memorandum not later than 30 days after the conclusion of the special session.

4. The Director shall publish a digital copy of the information prepared pursuant to this section on the Internet website maintained by the Department.

Sec. 30. ~~[NRS 417.105 is hereby amended to read as follows:~~

~~“417.105 1. Each year on or before October 1, the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846~~ ***[.] and section 5 of this act.***

~~2. In carrying out the provisions of subsection 1, the Department shall seek input from:~~

~~(a) The Purchasing Division of the Department of Administration.~~

~~(b) The State Public Works Board of the State Public Works Division of the Department of Administration.~~

~~(c) The Office of Economic Development.~~

~~(d) Groups representing the interests of veterans of the Armed Forces of the United States.~~

~~(e) The business community.~~

~~(f) [Local] *Certified local* businesses owned *and operated* by veterans with service-connected disabilities.~~

~~3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for *certified* local businesses owned *and operated* by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.~~

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

~~(a) "Business] *, "certified local business* owned *and operated* by a veteran with a service-connected disability" [has the meaning ascribed to it in NRS 338.13841.~~

~~(b) "Local business" has the meaning ascribed to it in NRS 333.3363.~~

~~(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.] *means a business that is certified pursuant to section 4 of this act.]* (Deleted by amendment.)~~

Sec. 31. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director and Deputy Director.

2. Make recommendations to the Governor, the Legislature, the Director and the Deputy Director regarding aid or benefits to veterans.

3. Make recommendations to the Governor pursuant to section 26 of this act.

Sec. 32. NRS 417.200 is hereby amended to read as follows:

417.200 1. The Director shall establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ***, if a veteran does not indicate by testamentary instrument that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, or if an application for interment submitted pursuant to NRS 417.210 does not indicate that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping,*** ensure that the area immediately above and surrounding the interred remains ***of the veteran*** in ~~[each]~~ ***the*** veterans' cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

Sec. 33. NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans' cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The cemetery superintendent shall assign available plots in the order in which applications are received. ***The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping.*** A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, "immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.

Sec. 34. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director or the Deputy Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director or the Deputy Director for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, ***and section 27 of this act,*** gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director or the Deputy Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Director or the Deputy Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director or the Deputy Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 34.5. **Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to

know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

(1) A national cemetery or veterans' cemetery; or

(2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 34.7. **NRS 451.005 is hereby amended to read as follows:**

451.005 As used in NRS 451.010 to 451.470, inclusive, ***and section 34.5 of this act,*** unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 35. ~~[If, on July 1, 2015, a county coroner has in his or her custody the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran of the Armed Forces of the United States, the county coroner shall report the name of the deceased person to the Department of Veterans Services not later than October 30, 2015.]~~ **(Deleted by amendment.)**

Sec. 36. The provisions of **subsection 1 of** NRS 218D.380 do not apply to the reporting requirements of ~~[subsection 3 of section 5 of this act, the reporting requirements of]~~ NRS 333.3368, as amended by section 16 of this act, ~~[or]~~ the reporting requirements of NRS 338.13846, as amended by section 20 of this act ~~[.]~~ **, or the reporting requirements of section 28 of this act.**

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. ~~[NRS 333.3362, 333.3363, 333.3365, 338.13841, 338.13842 and 338.13843 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 39. This act becomes effective on July 1, 2015.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~— 333.3362 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Business owned by a veteran with a service-connected disability" defined.~~

~~— 333.3363 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Local business" defined.~~

~~— 333.3365 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Veteran with a service-connected disability" defined.~~

~~— 338.13841 "Business owned by a veteran with a service-connected disability" defined.~~

~~— 338.13842 "Local business" defined.~~

~~— 338.13843 "Veteran with a service-connected disability" defined.]~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

This amendment deletes sections 1 through 7 to keep the contracting provisions of the bill under the Purchasing Division in the State Public Works Division, rather than creating a new program in the Governor's Office on Economic Development. It changes requirements for a veteran-owned business from 51 percent owned by one or more veterans to 51 percent owned up to 5 veterans. It makes counties responsible for interring and cremating remains of indigent persons who are veterans. It requires that counties notify the Department of Veterans Services as soon as practicable after obtaining custody of the remains. It changes the contract threshold ranges in Section 15, subsection 1, of the bill to between $50,000 and $250,000 in a lower threshold, and to between $250,000 and $500,000 in a higher threshold. Finally, it adds a reporting requirement under section 16 for the Purchasing Division and section 20 for the State Public Works Division to provide a report to the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 449.

Bill read third time.

The following amendment was proposed by Assemblyman Silberkraus:

Amendment No. 294.

SUMMARY—Provides for the issuance of special license plates relating to the Boy Scouts of America**_** ~~[.]~~ **and the Girl Scouts of America.** (BDR 43-1144)

AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the Boy Scouts of America; providing for

the issuance of special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America; **providing for the issuance of special license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America;** imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the issuance of special license plates indicating support for the Boy Scouts of America, and **section 3** of this bill provides for the issuance of special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America. The fees generated by such special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council will then allocate the fees between itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ **license plates issued pursuant to section 2 or 3 in the area represented by** each area council. **Section 2** requires the fees generated by the special license plates indicating support for the Boy Scouts of America to be used for the purposes of: (1) assisting boys from low-income families with the costs of participating in Boy Scouts; and (2) promoting the Boy Scouts of America in schools. **Section 3** requires the fees generated by the special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America to be used for the purpose of assisting boys with the costs of participating in **local area** camps sponsored by the Boy Scouts of America. ~~[These special]~~

Section 3.5 of this bill provides for the issuance of special license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America. The fees generated by such special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Girl Scouts of Southern Nevada of the Girl Scouts of America. The Girl Scouts of Southern Nevada will then allocate the fees between itself and the Girl Scouts of the Sierra Nevada and the Girl Scouts of Silver Sage Council of the Girl Scouts of America in proportion to the number of license plates issued pursuant to section 3.5 in the area represented by each area council. Section 3.5 requires the fees generated by such special license plates to be used for the purposes of: (1) assisting girls from low-income families with the costs of participating in the Girl Scouts of America; and (2) promoting the Girl Scouts of America in schools.

Special license plates **indicating support for the Boy Scouts of America that are issued pursuant to section 2** must be approved by the Commission on Special License Plates and, after such approval, will not be issued until one

of the 30 design slots for such special license plates becomes available. (NRS 482.367004, 482.367008, 482.36705) ~~[Sections 4-11 of this bill make conforming changes to various sections referring to such special license plates. This bill]~~ **Section 2** does not require, as a prerequisite to design, preparation and issuance, that such special license plates receive a minimum number of applications, but does require that a surety bond be posted with the Department of Motor Vehicles. **Section 8.5 of this bill provides that special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) is subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the license plate is received. (NRS 482.367004, 482.367008, 482.36705)**

Sections 4-8 and 9-11 of this bill make conforming changes to various sections based on the provisions of sections 2, 3 and 3.5.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, the Department, in cooperation with the Boy Scouts of America, shall design, prepare and issue license plates that indicate support for the Boy Scouts of America using any colors the Department deems appropriate.***

2. The Department shall not design, prepare or issue the license plates described in subsection 1 unless:

(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) A surety bond in the amount of $5,000 is posted with the Department.

3. If the conditions set forth in subsection 2 are met, the Department shall issue license plates that indicate support for the Boy Scouts of America for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Boy Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Boy Scouts of America pursuant to subsections 4 and 5.

4. The fee payable to the Department for license plates that indicate support for the Boy Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates that indicate support for the Boy Scouts of America must pay for the issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council shall allocate the fees to itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ license plates issued pursuant to this section in the area represented by each area council. The fees must be used to assist boys from low-income families with the costs of participating in the Boy Scouts of America and to promote the Boy Scouts of America in schools.

7. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

8. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.

9. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3. ***1. ~~[Except as otherwise provided in subsection 2, the]~~ The Department, in cooperation with the Boy Scouts of America, shall design, prepare and issue license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America using any colors the Department deems appropriate.***

2. The Department shall ~~[not design, prepare or issue the license plates described in subsection 1 unless:~~

~~(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and~~

~~(b) A surety bond in the amount of $5,000 is posted with the Department.~~

~~3. If the conditions set forth in subsection 2 are met, the Department shall]~~ issue license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America for a passenger car or light commercial vehicle upon application by a person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) As proof that the person has been awarded the rank of Eagle Scout in the Boy Scouts of America, submits a card or certificate issued by the Boy Scouts of America or a letter issued by a local area council of the Boy Scouts of America stating that the person has been awarded that rank; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

~~[4.]~~ 3. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America pursuant to subsections 4 and 5 . ~~[and 6.~~

~~5.]~~ 4. The fee payable to the Department for license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

~~[6.]~~ 5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection ~~[5,]~~ 4, a person who requests a set of license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America must pay for the issuance of the plates an additional fee of ~~[$30,]~~ $25, to be deposited in accordance with subsection ~~[7.]~~ 6.

~~[7.]~~ 6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection ~~[6]~~ 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council shall allocate the fees to itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ license plates issued pursuant to this section in the area represented by each

area council. The fees must be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America.

~~*[8. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:*~~

~~*(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or*~~

~~*(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.*~~

~~*9. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.*~~

~~*10.]*~~ *7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3.5. 1. The Department, in cooperation with the Girl Scouts of America, shall design, prepare and issue license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America using any colors the Department deems appropriate.

2. The Department shall issue license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America for a passenger car or light commercial vehicle upon application by a person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) As proof that the person has been awarded the Girl Scout Gold Award by the Girl Scouts of America, submits a certificate issued by the Girl Scouts of America or a letter issued by a local area council of the Girl Scouts of America stating that the person has been awarded the Girl Scout Gold Award; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America pursuant to subsections 4 and 5.

4. The fee payable to the Department for license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America must pay for the issuance of the plates an additional fee of $35 and for each renewal of the plates an additional fee of $25, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Girl Scouts of Southern Nevada of the Girl Scouts of America. The Girl Scouts of Southern Nevada shall allocate the fees to itself and the Girl Scouts of the Sierra Nevada and the Girl Scouts of Silver Sage Council of the Girl Scouts of America in proportion to the number of license plates issued pursuant to this section in the area represented by each area council. The fees must be used to assist girls from low-income families with the costs of participating in the Girl Scouts of America and to promote the Girl Scouts of America in schools.

7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 4. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 5. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 6. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , [and] 3 and 3.5 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 7. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.***

Sec. 7.5. **NRS 482.367004 is hereby amended to read as follows:**

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 3 or 3.5 of this act.***

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 8. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945 ~~[,]~~ ***or section 2*** ~~***[or 3]***~~ ***of this act;*** and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[,]~~ ***or section 3 or 3.5 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8.5. **NRS 482.36705 is hereby amended to read as follows:**

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January

1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 3 or 3.5 of this act.***

Sec. 9. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, and full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other

type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , [and] 3 and 3.5 of this act.*** The term includes the successor, if any, of a charitable organization.

Sec. 9.5. **NRS 482.38276 is hereby amended to read as follows:**

482.38276 "Special license plate" ~~[has the meaning ascribed to it in subsection 1 of NRS 482.367008.]~~ ***means:***

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945 or section 2 of this act; and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 10. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040 and subsection 7 of NRS 482.260, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence

satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 11. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Assemblyman Silberkraus moved the adoption of the amendment.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

This amendment provides for the issuance of special license plates for the Girl Scout Gold Award by the Girl Scouts of America. The fees generated by such special license plates are

required to be deposited with the State Treasurer who must, on a quarterly basis, distribute the fees to the Girls Scouts of Southern Nevada. The Girl Scouts of Southern Nevada will then allocate the fees between itself and other Girl Scout entities in the state. The fees generated by such special license plates are to be used for the purposes of assisting girls from low-income families with the cost of participating in the Girl Scouts of America and promoting the Girl Scouts of America in schools.

The amendment also provides that special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally must be approved by the department based on a recommendation from the Commission on Special License Plates; is subject to a limitation of the number of separate designs of special license plates that the department may issue at any one time; and may not be designed, prepared, or issued by the department unless a certain minimum number of applications for the license plate is received.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 73 revises certain requirements, including the due date, of a report that the Division of Welfare and Supportive Services of the Department of Health and Human Services must provide annually to the Legislative Counsel Bureau concerning the amount of money in the Fund for Energy Assistance and Conservation that is to be transferred to the Housing Division of the Department of Business and Industry for energy conservation programs. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 73:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 87 expressly provides that various provisions of existing state law relating to Medicaid apply to certain third-party entities, including self-insured plans, certain group health plans and policies, service benefit plans, and any other organization described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service. In particular, the bill clarifies that these third-party entities are required to pay claims for medical care or services before such claims must be paid by Medicaid. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblymen Ellison, Kirkpatrick, Moore, Nelson, Carlton, and Fiore.

ASSEMBLYMAN ELLISON:

Assembly Bill 100 requires the Attorney General to commence an action to protect and secure the rights of the residents of this state under the Second Amendment to the *United States Constitution* at the direction of the Governor or if the Attorney General determines that those rights have been infringed by an executive order issued by the President of the United States. This bill is effective upon passage and approval.

ASSEMBLYWOMAN KIRKPATRICK:

I will support this bill, but I am very concerned that as we look at revenue this session, this is yet another duty that we are giving to the office of the Attorney General on something outside of this building that we cannot control. That better be a real discussion. I know there is no current fiscal note on this, but someone is going to have to pay for the Attorney General to traipse around the country to defend our Second Amendment rights. I believe in this state we take a very strong stance on Second Amendment rights, so I will support it, but all the folks who want to do this need to recognize that it is going to take some revenue. Somebody is going to have to pay for it at some point.

ASSEMBLYMAN MOORE:

I rise in support of Assembly Bill 100. One would hope that we would not need a law to force our Attorney General to protect the constitutional rights of Nevadans, but history has taught us unfortunate lessons. Although I am certain that A.B. 100 will be unnecessary for at least the next eight years, I want to make sure that the future is as safe as the present. When Nevada's Governor asks Nevada's Attorney General to defend Nevadans' constitutional rights, the response should never be in doubt. I will be voting yes for this important bill, and I encourage everyone to support it.

ASSEMBLYMAN NELSON:

I rise in support of A.B. 100. This is a short bill but a very important one. A few years ago, I would have thought this an unnecessary bill, but recent controversy surrounding the Affordable Care Act and the prior Attorney General left the duties of Nevada's Attorney General unclear. Whether or not you defend Nevadans against unconstitutional overreach from the President of the United States should not depend on whether you share a political affiliation or an ideology with the nation's Chief Executive. When the Attorney General feels free to ignore even a request from the Governor to defend Nevadans' rights, something is wrong. When executive order replaces legislation, something is wrong. When constitutional rights become subject to the whims of politics, something is wrong. Today we take a small step towards making things right. With this bill, we make sure that our Attorney General works for us and us alone. I will be voting yes, and I encourage everyone else to.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 100. I take my duty to this state very seriously. I stood in this Chamber on opening day, I raised my right hand, and I took an oath. Every constitutional officer in this state took the same oath to uphold the *Constitution of the United States* and the *Constitution of Nevada*. One amendment does not outweigh any other. If you want to start talking about our favorites, the first is mine because without that, we would not have the others. To say that we should give more weight to one than the other, I find disconcerting.

This has turned into a political act, not an actual policy initiative. I support the *United States Constitution* and the *Nevada Constitution*, and I will always do that when I stand in this Chamber or anywhere else in this state. I do not believe this is necessary, and it has become a political sword.

ASSEMBLYWOMAN FIORE:

I want to first thank our former Speaker for her support on A.B. 100. I want to express why A.B. 100 is so important. It actually makes our Attorney General act, and as my colleague from Assembly District 14 mentioned in the Chamber earlier today, sometimes you feel safe with certain Attorneys General and sometimes you do not. I have to agree with that.

Roll call on Assembly Bill No. 100:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—14.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 121.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 121 prohibits a school from disciplining a pupil enrolled in kindergarten or Grades 1 through 8 who is simulating a firearm or other dangerous weapon while playing or for possessing a toy firearm that is 2 inches or less in length or a toy dangerous weapon made of plastic building blocks.

In addition, pupils may not be disciplined for wearing clothing or accessories that depict weapons or for expressing an opinion about the constitutional right to keep and bear arms unless it substantially disrupts the educational environment. The bill specifies that discipline may be warranted if the simulation is significantly disruptive to the learning process, causes bodily harm to someone, or causes a person to have a reasonable fear of bodily harm.

Finally, the provisions of this bill do not prohibit a school from establishing and enforcing a school uniform policy. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 121:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 137 allows the State Contractors' Board to discipline a licensed contractor who solicits a contracting bid or estimate from a person known by the licensee to be unlicensed. The measure provides that an unlicensed person may not advertise certain services without disclosing

that he or she is not licensed. It also prohibits a person, whether licensed or unlicensed, to advertise to perform certain services using a license number that does not correspond to a valid license issued to that person by the Board. Finally, A.B. 137 increases the fines and penalties for certain violations of Chapter 624 of *Nevada Revised Statutes* and allows the Board to exceed certain fine limits by adding a fine enhancement of up to 10 percent of the value of the contract under certain circumstances. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 137:

YEAS—40.

NAYS—Carlton.

EXCUSED—Woodbury.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

This bill enacts a juvenile competency standard. The bill establishes procedures both a juvenile court and a person who makes a motion for the evaluation of a child must follow in determining the question of competence. If the court suspends a case to consider the question of competency, then the court must appoint one or more qualified experts. The measure also provides guidelines and considerations an expert must take into account as part of the evaluation, if appropriate, such as age, developmental maturity, and any other factor that affects the competence of a child. An expert must submit a written report, as required by the guidelines, to the court for evaluation.

Upon receipt of the written reports from the experts, the court must hold an expedited hearing to determine the child's competency. If the child is determined to be incompetent, the court is required to make additional determinations and issue all necessary and appropriate recommendations and orders. Further, the court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, depending on its findings, the court will proceed with the case if the child has attained competence, order appropriate treatment if the child has not attained competence, or consider the best interests of the child and the safety of the community if the child has not attained competence and will not likely attain competence in the foreseeable future.

If the court determines a child to be incompetent, the child may not, during the period that the child remains incompetent, be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the court. Finally, any evidence that is introduced for the purpose of assisting the juvenile court in determining a child's competency is not admissible in any criminal proceeding.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblymen Wheeler, Kirkpatrick, and Fiore.

ASSEMBLYMAN WHEELER:

Assembly Bill 139 authorizes a person who possesses a concealed firearm permit issued by another state to carry a concealed firearm in Nevada. In addition, a member of the military, an honorably discharged member of the military, or a current law enforcement officer who is under 21 years of age and has a permit issued by another state is authorized to carry a concealed firearm in Nevada. The measure repeals all provisions of existing law relating to the preparation of a list by the Department of Public Safety of concealed weapon requirements in other states.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition of Assembly Bill 139. I have been in a real quandary this session because we have had so many discussions about gun bills, and I don't sit on the committees who have those discussions, so I feel like I always have to ask more questions. I was okay with this bill originally, when it allowed military members and police officers to come to Nevada and have a CCW. What I am not okay with—I am a CCW carrier, and I value that training, and I value what it took to get it. It was not easy. For my CCW, I had to pay attention to the training, I had to go through an eight-hour class, and I had to be able to shoot a certain distance.

It bothers me that now we are allowing reciprocity with other states. We already have about 38 states that have similar rules as ours, and that was okay. When you get your CCW, they ask if you want just Nevada or if you want all states. I chose just Nevada.

I did some research over the weekend. In Arizona, there is no refresher course. Additionally, non-Arizona residents may be issued an Arizona permit. In Florida, there is conceal and carry legislation but no federal background checks. That is not the same as what we do in Nevada. If you are in Alaska, there is no permit required to purchase a gun, own a gun, or even carry a gun. It concerns me because I am a lifetime NRA member, and it was all about gun safety. As a CCW carrier, I valued that training.

I would like to vote for some gun bills this session, but I do not see me getting there because I am all about training and common sense with guns. So unfortunately, I rise in opposition one more time on something I truly care about. I spoke to many of my most conservative constituents in my district, and they agreed with me. At least back home, I feel comfortable that people agreed that maybe this is just a little too far.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 139. My colleague is worried because of training and has some other concerns. My biggest concerns are facts, and to date Nevada has not had one out-of-state concealed weapon permit carrier create any ruckus in our state, and we welcome that. I urge all my colleagues to rise in support knowing all the facts.

Roll call on Assembly Bill No. 139:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 156 requires the Director of the Department of Health and Human Services to analyze demographics and data when declaring a community an "at-risk community." The definition of an "at-risk community" is revised to include families who are at imminent risk of homelessness.

The bill clarifies that a family resource center is a facility where families can directly obtain social services. Family resource centers are required to include input from their local and state elected officials when developing an action plan related to a grant. Case managers are required to collect and analyze data to monitor the performance of family members who receive services.

Family resource centers are essential to our communities. They were established well over 20 years ago. Keeping them well equipped with resources and funding streams through grants and other opportunities is important for sustainability. I would appreciate your support of this bill.

Roll call on Assembly Bill No. 156:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 164, 179, 252, 287, 288, 301, 351, 384, 391, 415, 420, 422, 424, 425, 428, 444, 447, 451, 456, 457, 460; Senate Bill No. 109 be taken from the General File and place on the General File for the next legislative day

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 4:16 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblywomen Shelton and Swank as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice James W. Hardesty.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker’s rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:18 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Woodbury, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Brower and Assemblywoman Titus to wait upon the Honorable Chief Justice James W. Hardesty and escort him to the Assembly Chamber.

The Committee on Escort in company with the Honorable Nevada Supreme Court Chief Justice James W. Hardesty, appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Hardesty and invited him to deliver his message.

Chief Justice Hardesty delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

Governor Sandoval, Lieutenant Governor Hutchison, Speaker Hambrick, Senator Roberson, Senator Ford, Assemblywoman Kirkpatrick, distinguished members of the Senate and the Assembly, honorable constitutional officers, and honored guests. Thank you once again for the honor of speaking to the Nevada Legislature on behalf of my colleagues and friends in the state judicial system.

A week ago Monday, Senator Dean Heller began his remarks by noting that he was speaking just before the men's national championship basketball game. As you all know, today is tax day, the day the Titanic sank, and the day President Lincoln died. At first blush, I would trade days with the Senator—until I remembered that on April 15, 1947, Jackie Robinson became the first African-American player in Major League Baseball history when he stepped onto Ebbets Field to compete for the Brooklyn Dodgers. I could not help but notice the historical coincidence of President Lincoln's death and Jackie Robinson's entrance into Major League Baseball as its first African-American player. So I am honored to speak to you this day.

I have another reason to be proud to speak to you this day. Earlier this afternoon I enjoyed one of the unique privileges in life that is visited upon a chief justice. It was my great honor to swear in my Senator from District 13, Senator Debbie Smith, so I can report to this Legislature that your Legislature is now complete. She is now with all of us.

I would like to introduce my friends and colleagues on the Nevada Supreme Court: Associate Chief Justice Ron Parraguirre, Justice Mike Douglas, Justice Mike Cherry, Justice Kris Pickering, Justice Mark Gibbons, and Justice Nancy Saitta. It is my privilege to serve with these distinguished jurists, and I thank them for their support during my service as Chief Justice. I would also like to recognize and thank the Clerk of the Supreme Court, Tracie Lindeman; the Clerk of the new Court of Appeals, Tom Harris; our legal counsel, Phaedra Kalicki; the Reporter of Decisions Brandee Mooneyhan; the Supreme Court's extraordinary legal staff; the Director of the Administrative Office of the Courts, Robin Sweet; and the dedicated, hardworking staff of the Administrative Office of the Courts.

I am also privileged to speak on behalf of our 3 Court of Appeals judges, 82 district court judges, 67 justices of the peace, 30 municipal court judges, and the nearly 2,000 court employees throughout the state. A number of judges have joined us tonight; it would probably take quite a bit of time to introduce all of them, but I want to thank them for coming and offering their support for the Judicial Branch of government. I would particularly like to introduce and have you

recognize the chief judges of the Second and Eighth Judicial Districts, Washoe and Clark, Chief Judge David Hardy and Chief Judge David Barker.

Nevada's judicial officers and court employees are committed to the administration of fair and impartial justice in criminal, civil, family, and juvenile disputes according to the rule of law. In fulfilling our constitutional duties, we are mindful of the importance of providing timely access to the court system and resolving cases as efficiently as budgets and caseloads will permit. I am proud to serve with all of these dedicated public servants, and I offer my profound thanks to all of them for their service to all Nevadans.

My purpose this evening is to discuss the state of the Judicial Branch of Nevada's government. In doing so, I would like to share with you some of the many accomplishments of Nevada's courts and offer a vision for the future of Nevada's judiciary.

As you know, the resolution of disputes represents the core function of the court system. As Mark Twain commented in 1868, "The Judges have the *Constitution* for their guidance; they have no right to any politics save the politics of rigid right and justice when they are sitting in judgment upon the great matters that come before them." Of course, a few years later, Twain would say with a wry wit, "Always do right. This will gratify some people and astonish the rest."

In today's environment, though, what is the right role for Nevada's judiciary? Over the years, and more so in recent times, the responsibilities of the judiciary have increased in ways we could not have imagined just two decades ago. Not only do our citizens and the state turn to the courts to resolve criminal, civil, family, and juvenile cases, they also seek the courts' assistance to resolve many of society's social issues as well.

To paraphrase the former chief judge for the state of New York, whether we like it or not, the state courts of this country are in the eye of the storm. We have become the emergency room for society's worst ailments—substance abuse, family violence, mental illness, mortgage foreclosures, and so much more. This reality has forced the courts to approach cases with innovation and collaboration with all involved, and these pressures underscore the need for a public judicial system that is timely, responsive, and efficient in its management of a case while treating each person with respect and dignity.

I can tell all of you I have been looking forward to this evening for a long time. For the first time in 44 years, the Nevada Supreme Court and the Nevada Legislature are not engaged in a discussion about the need for a court of appeals. Tonight, thanks to the Legislature, our distinguished Governor, and the people of the state of Nevada, I can report that last November, Nevadans voted to amend the *Nevada Constitution* to create a court of appeals. No doubt, the active participation of past and present members of the Nevada Legislature was a major factor in the educational effort to adopt Question 1. You helped make history for Nevada's judicial system, and I can tell you from the bottom of our hearts, the Supreme Court would like to take this opportunity to thank each of you for your support.

In the 60 days following the election, the Supreme Court enacted rules to govern the jurisdiction and transfer of cases to the Court of Appeals; the Judicial Selection Commission and the Governor appointed the new judges in record time; and the Board of Examiners and the Interim Finance Committee implemented the budget to fund the Court of Appeals. By January 5, 2015, the Supreme Court's staff set up offices, installed computers, established internal procedures, and completed many other tasks needed to start a brand new court. I want to thank and recognize our Clerk Tracie Lindeman; Reporter of Decisions Brandee Mooneyhan; legal counsel Phaedra Kalicki and Sarah Moore; clerk Amanda Ingersoll; and IT personnel Brian Pettijohn, Ted Xie, Fred Aker, Kathryn Burns, Karen Peterson, Jeff Sabo, and Alyssa Bland for the many hours they devoted during the Thanksgiving and Christmas holidays to assist the Court with the numerous rule drafts, install the case management system, and implement the various procedures necessary to convert the dream of a court of appeals into a reality. I also want to thank and recognize the members of the Administrative Office of the Courts staff—John McCormick, Hans Jessup, Vale Trujillo, Myrna Byrd, and Deborah Crews—for their help in setting up offices north and south that made the Court of Appeals fully functional by January 5, 2015, as contemplated in the constitutional amendment.

As with any endeavor, the success of the Court of Appeals will ultimately depend on the judges who serve. Allow me to introduce the inaugural Chief Judge of the Court of Appeals, Chief Michael Gibbons. And for all of the things that this Legislature might fix, perhaps you could

begin with Southwest Airlines, for I had wished to introduce to you as well Judge Abby Silver and Judge Jerome Tao. These three judges were nominated by the Judicial Selection Commission from 36 highly qualified applicants and selected by the Governor. They have committed their intellect, hard work, and talent to the success of the Court of Appeals and the contribution it can make to Nevada's judicial system and Nevada law.

As you know, the Supreme Court has always maintained that a court of appeals would improve justice in our state by reducing the Supreme Court's caseload, shortening the time to decide appellate cases, increasing the number of published opinions on Nevada law, and operating within a fiscally responsible framework. From what I have witnessed during the first three and a half months of operation, I can state with confidence that the Supreme Court and the Court of Appeals have a very bright future.

Consider as 2015 began, the Supreme Court faced a pending caseload of 1,819 cases. As of March 31, 2015, 300 cases have been assigned to the Court of Appeals under the rules adopted by the Supreme Court. In the first three months, the Court of Appeals has decided 166 cases, conducted its first oral arguments in 4 cases, and published its first opinion. With the continued work of my colleagues on existing cases and the contributing work of the Court of Appeals, the Supreme Court saw its first significant drop in pending cases in years to 1,568 cases. And one more point: Of the $444,250 in funding provided by the Legislature to operate the Court of Appeals for the first six months, we currently project a reversion or return to the State General Fund of over $56,000, or 12.6 percent of our original budget. Before beginning my presentation today, I was advised that through today, the Court of Appeals has had an additional 27 cases assigned to it and they have decided, as of today, 221 cases.

I believe the Court of Appeals is one of many examples of the Nevada judiciary's achievements, and I would like to update you on a few others. In 2001, the Supreme Court created the business court in the Second and Eighth Judicial Districts. Patterned loosely after Delaware's Chancery Court, the business courts in Nevada are designed to resolve the most complex, lengthy, and expensive business disputes in a timely, cost-efficient manner. Prior to establishing Nevada's business court system, these cases lacked case management and in most instances took more than four years to complete. A lot of progress has been made in the business court experience since then. As of the end of the fiscal year, there were 91 pending cases in Washoe County's District Court and 508 in Clark County's. I was impressed, as I believe you will be, to learn that the average time to disposition today for business court cases in Clark County is 23 months, and that takes into account cases like the Harmon tower dispute. In the Second Judicial District Court, the business court judges have reduced the average time to disposition in the last two years from 16 months to 10 months. These statistics make Nevada very competitive with Delaware and other states that have business courts in their system and send a clear message to local businesses and those outside Nevada's borders that Nevada's judicial system is fully prepared to address the legal needs of Nevada's businesses in a timely, cost-effective way. I would like to thank and recognize Eighth Judicial District Court Judges Elizabeth Gonzalez, Mark Denton, Nancy Allf, Kathleen Delaney, and Susan Scann and Second Judicial District Court Judges Patrick Flanagan and Scott Freeman for their extraordinary work in making our business courts the success we envisioned 14 years ago. As a result of the creation of the Court of Appeals, I believe the Supreme Court can complete the business court plan by publishing more opinions, expanding our jurisprudence on business law.

In 2009, the Supreme Court presented, and the Legislature approved, a business plan to add ten district court judges, with new courtrooms, facilities, and technology expenses paid by an increase in filing fees. Under this plan, seven civil jurisdiction judges and two family court judges were added in Clark County, and one general jurisdiction judge was added in Washoe County. This was a bold move at the time as the recession was becoming more realistic and the state's budget was in real trouble. But consider that in 2009, the number of cases filed per district court judge in Clark County was 2,422, and the average time to resolve a case exceeded three and one-half years. In Washoe County, the number of cases filed per district court judge was 1,597, and a new general jurisdiction judge had not been added to that district in 20 years. Today, the number of cases filed per district judge in Clark County is 1,846, and the average time for closure in all civil cases is 14.7 months; the two additional family court judges provided the opportunity to add judicial

resources to cases involving the abuse and neglect of children. In Washoe County, the number of cases filed per district judge is 1,370, and the average time to resolution is under one year.

But consider this: The funds generated by the Supreme Court's business plan fully paid for all eight new courtrooms in Clark County and the courtroom in Washoe County without any cost to the general funds of the counties or the state. Since then, Clark County's District Court has utilized these funds to, among other items, upgrade its audiovisual systems, create a disaster recovery project to protect its old and new efiling records, and archive over 4 million pages of court files. The Washoe District Court was able to renovate its probate-commissioners' courtroom, and in Elko, Judge Nancy Porter, with the support of her colleague Judge Al Kacin, led a collaborative effort with Elko Municipal Court Judge Simons and the Elko County Sheriff and Commissioners to establish, for the first time, a security system for the courthouse, including the installation of video equipment inside and out. They also replaced an audiovisual system in the small courtroom in the jail. In Carson City, the District Court constructed a new specialty courtroom, a new juvenile courtroom, and provided computers and technology to that court's clerks and staff at no cost to Carson City or the state. To quote District Court Judge Todd Russell, "None of this would have been possible without the business plan proposed by the Supreme Court and enacted by the Legislature."

Nevada's drug courts and other specialty courts continue the incredible journey that began in 1992 when Nevada launched the nation's fifth drug court. It is a journey that saves lives, families, and the futures of unborn children. It is also a journey that reduces recidivism and the need for more prisons and jails. The Legislature's continued support of these courts has enabled dedicated specialty court judges and staff to achieve successes that no one thought possible. Over the past three years, the 41 drug, mental health, and DUI courts throughout the state served an average of 3,800 clients per year and witnessed an average of 1,470 graduates per year. This past fiscal year, 74 drug-free babies were born to participants in these and other specialty courts; that is 74 babies who now have a chance to grow up without the limitations imposed on them prenatally by drug-addicted mothers.

But the success of these and many of the specialty courts in Nevada is now in jeopardy. As some of you know from my presentation to the subcommittee hearing the Supreme Court's budget, the funding for specialty courts in Nevada depends largely on a share of administrative assessments paid on traffic citations. This funding source has always been a bit unstable, but it has never declined to the extent we have witnessed in the last six months. As a result, the specialty court programs in Nevada face a shortfall in their budgets of 15 percent, or decline in revenue of just over $1.4 million. The impact to the budgets is already being felt this fiscal year, resulting in the delay of assistance to or exclusion of participants in programs in Clark County and the six counties that make up the Western Regional Drug Court program. The consequences are clear. Our state will see increases in jail and prison costs as a result. Therefore, I would urge this Legislature to follow the unanimous recommendation of your Advisory Commission on the Administration of Justice as well as the Governor's recommended budget and restore the shortfall in funding and add $3 million of new revenue to expand the capabilities of Nevada's specialty courts to save lives and reduce jail and prison costs in the process.

As part of this discussion, I thought you would be interested in an update on the success of the felony DUI court program. This specialty court deals with serious and chronic DUI offenders who have failed to appreciate their actions after prior jail or prison terms. The DUI court has been remarkably successful in breaking the destructive cycle of these offenders. Last year 290 clients graduated from felony DUI court. While not all courts have this same experience, I wanted to share the results of the DUI court in Elko supervised by Judge Nancy Porter. Since 2010, not one graduate of that program has recidivated. As you know, the Legislature added funding for DUI courts during the 2013 Session, but that funding sunsets on June 30, 2015. I urge you to terminate the sunset and allow this funding source to continue to help mitigate the reductions in all of the specialty court budgets I have mentioned tonight.

I also want to mention the Foreclosure Mediation Program. In 2009, with the consent of the lending industry, the Legislature asked the Supreme Court to supervise a new program that would create a platform for loan mediation and mitigate the effects of the growing number of foreclosures. The program has been funded not by the General Fund, but by fees paid by lenders when seeking relief from a default. There can be little question, from the statistics we have

provided to this Legislature and to previous Legislatures, that the program has helped thousands of Nevadans remain in their homes or work out arrangements with lenders to reduce the impact of a foreclosure. As we have noted in budget hearings, though, the continuation of this program is a policy decision for this Legislature and not the Court. While the Court has offered some options for your consideration, it is up to the Legislature to decide what to do next. But regardless, tonight I would like to recognize and thank someone who has been with the program from the beginning, Verise Campbell, the Director of the Foreclosure Mediation Program for the Supreme Court. Her service has been extraordinary, and we thank her for all that she has done for the many citizens of Nevada who have been helped.

These initiatives are a few of the many achievements of the Judicial Branch over the past few years. All of them illustrate the dedication of the judges and court employees who work very hard every day to make the courts responsive to the needs of Nevada's citizens.

As we look to the future, I see a lengthy agenda for Nevada's judicial system. I would like to highlight just a few items that I consider to be on that list. First, we must continue our efforts to make the public judicial system responsive to the needs of people in civil cases and family cases. Access to justice in Nevada cannot be a goal; it must be a reality. Families and children in crisis and unrepresented litigants have every right to expect their judicial system to work equally for them. Too often, parties turn away from the public judicial system because it is just too expensive and takes too long. This issue is not unique to Nevada. For the past two years, a committee of the Conference of Chief Justices, on which I have the privilege of serving, has been studying two fundamental reasons for cost and delay in the public judicial system: case management by judges and the rules of civil procedure, particularly those relating to discovery that add cost and time to an already challenging process. The committee's report is due this summer, and this fall I will ask all courts in Nevada to study and implement the committee's recommendations that are relevant to our state.

Second, I urge the Legislature to pass Assembly Bill 435, a measure that creates a new judicial district in Nevada consisting of Pershing, Lander, and Mineral Counties. For the past 45 days, Judge Jim Shirley, who is here this evening; Judge Michael Montero; and the county commissioners in each of those counties and Humboldt County have studied the benefits of this realignment, and all have voted to support this effort. This out-of-the-box plan helps smooth out caseloads in the Fifth Judicial District, Nye County and Esmeralda; the Sixth Judicial District, Humboldt and Pershing; and the new Eleventh Judicial District, Pershing, Lander, and Mineral. It reduces travel time for judges serving in these districts; significantly postpones the need for additional judges, particularly in the Fifth Judicial District in Nye County; and increases the availability of judicial resources for all parties at little or no fiscal impact to the counties or the state.

Third, we must study and adopt evidence-based risk assessment in setting pretrial release conditions of those accused of a crime. Pretrial judicial decisions about the release or detention of a defendant have a significant impact on thousands of defendants and add great financial stress to publicly funded jails holding defendants who are unable to meet conditions of release. As our jails swell, particularly in Clark County, it is time for Nevada's judges to follow the lead of the District of Columbia, Kentucky, New York, Arizona, and the Conference of State Court Administrators and adopt pretrial release assessment tools that better assess whether a defendant will fail to appear or will present a risk of safety to others. As the Conference report notes, "Imposing conditions on a defendant that are appropriate for that individual following a valid pretrial assessment substantially reduces pretrial detention without impairing the judicial process or threatening public safety."

I am proud to report that 33 of Nevada's limited jurisdiction judges and nine of our district court judges have already agreed to join me in the study of this issue. Several of the county commissions have also agreed to participate in this process. I hope this Legislature will adopt Senate Bill 452 requiring the use of pretrial risk assessment tools according to rules approved by the Supreme Court. Doing so will add Nevada to the list of states leading the country in the use of evidenced-based decisions in pretrial releases for those accused of a crime.

The last issue I will mention is that of judicial education. Over the past four years, we have witnessed a dramatic change in the make-up of the district court bench in Nevada. Today, 38 of the 82 district court judges in Nevada have joined the bench since 2010. These judges bring new

energy, innovation, and creativity to Nevada's judicial system. Their addition provides many opportunities including, in my view, a reexamination of our approach to judicial education. You might be interested to know that it has been 16 years since district court judges attended mandatory education on cases involving the death penalty, and not since 2007 have the judges been required to attend classes on domestic violence. While many of our judges obtain education on these and other areas of the law on their own, we do not have an organized system for mandatory judicial education. No matter what you may think, the work of a judge is very difficult, and I assure you, the perspective of a judge is much different than that of an experienced litigator or advocate. Anyone who has served as a judge will tell you that it takes considerable training, education, work, and time to develop a sense of confidence in the art of judging. If we are to do our best for the people that appear in Nevada's courtrooms, we must become and stay conversant in core legal and judicial subjects. I want to collaborate on the development of required subjects with varied curriculum that must be attended or taught by all judges, both old and new. With the help of the National Judicial College, the Boyd School of Law, and our own resources, we can build a foundation for future judicial excellence.

As you may have witnessed, I am excited about the future of Nevada's judicial system. I can't think of a better time to practice law in our state. We have a top-20 law school, an active State Bar, a new Court of Appeals, and judges and court employees who are motivated, enthusiastic, innovative, and engaged working every day to make our public judicial system the best that it can be. But as Justice Breyer noted in his book *Making Our Democracy Work*, we cannot take the public's confidence in the courts for granted, nor the Legislature's either. I agree and believe that Nevada's courts will continue to earn the public's trust and confidence if we adhere to the rule of law, are proactive in the management of our cases, creative in our efforts to provide access to the courts, sensitive to the needs of people who come before us, innovative in our resolution of disputes, accountable for our behavior and decisions, and fiscally responsible and transparent in all that we do.

Again, I want to thank you on behalf of the judiciary for the opportunity to visit with you this evening.

Senator Roberson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Hardesty for his timely, able, and constructive message.

Seconded by Assemblyman Ohrenschall.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Hardesty to the bar of the Assembly.

Assemblyman Sprinkle moved that the Joint Session be dissolved.

Seconded by Senator Segerblom.

Motion carried.

Joint session dissolved at 5:56 p.m.

ASSEMBLY IN SESSION

At 5:57 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Silberkraus requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, President Abraham Lincoln was the 16th President of the United States and is revered as the great leader who shepherded the United States through one of its most difficult chapters and who successfully united a severely divided nation; and

WHEREAS, One hundred fifty years ago, on April 15, 1865, President Abraham Lincoln passed away in our nation's Capital, succumbing to a gunshot wound inflicted upon him by an assassin one day earlier while the President was attending a play at Ford's Theatre; and

WHEREAS, Decorated in black bunting, the "Lincoln Special" funeral train transported, over the course of 15 days, the President's remains and his son, William Wallace Lincoln's remains from Washington, D.C., to Springfield, Illinois, stopping on the way for 12 funeral processions in cities such as Chicago and New York before father and son found their final resting place at Oak Ridge Cemetery in Springfield, Illinois; and

WHEREAS, From his inauguration on March 4, 1861, throughout his presidency and beyond his death, President Abraham Lincoln represents the urge to foster a unified and free nation, built on the principals and promises for which so many gave their lives; and

WHEREAS, President Abraham Lincoln was not only paramount in shaping the future of the United States, strengthening the federal government, and laying out our current political system, he also helped Nevada achieve statehood; now, therefore, be it

PROCLAIMED, That the Nevada State Assembly is profoundly grateful to President Abraham Lincoln's relentless efforts that led to the strengthening of the unity of our great nation and for declaring Nevada the 36th state in the Union; and be it further

PROCLAIMED, That the Nevada State Assembly, in recognition of the many achievements of President Abraham Lincoln and in commemorating the 150th Anniversary of the death of President Abraham Lincoln, designates April 15, 2015, as President Lincoln Remembrance Day.

DATED this 15th day of April, 2015.

Assemblyman Silberkraus requested that the following remarks be entered in the journal.

ASSEMBLYMAN SILBERKRAUS:

"In the end, it's not the years in your life that count. It's the life in your years."

Though he may have only had 56 years with us, President Abraham Lincoln left his indelible mark on this nation and on the world—a bright light in a dark time; a father; a fighter; and a healer. This morning, 150 years ago, our country watched that light dim, and for a moment, go out. Hearts broke, tears were shed and a preserved nation mourned. But out of that mourning came new strength. That light, that life, would not be forgotten, but carried forward in the hearts of all men and women. We may have only had the man for 56 years, but his life endures today and shall for generations to come.

Today we fly our flags at half-mast, here at the Legislature, at the Supreme Court, over our State's Capitol and around our nation.

For a man who led our nation through the Civil War, a man who signed the Emancipation Proclamation, a man who helped create land grant colleges such as UNR, a man who promoted the trans-continental railroad, and lastly a man who helped usher in Nevada as our nation's 36th state.

With that in mind, all members of this body have signed a proclamation that in part reads:

> WHEREAS, From his inauguration on March 4, 1861, throughout his presidency and beyond his death, President Abraham Lincoln represents the urge to foster a unified and free nation, built on the principals and promises for which so many gave their lives; and
>
> WHEREAS, President Abraham Lincoln was not only paramount in shaping the future of the United States, strengthening the federal government, and laying out our current political system, he also helped Nevada achieve statehood; now, therefore, be it
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> PROCLAIMED, That the Nevada State Assembly is profoundly grateful to President Abraham Lincoln's relentless efforts that led to the strengthening of the

unity of our great nation and for declaring Nevada the 36th state in the Union; and be it further

PROCLAIMED, That the Nevada State Assembly, in recognition of the many achievements of President Abraham Lincoln and in commemorating the 150th Anniversary of the death of President Abraham Lincoln, designates April 15, 2015, as President Lincoln Remembrance Day.

To end, I ask that all here take a moment of silence in honor of the man whose portrait hangs high in this Chamber and keep in your heart this quote from Lincoln himself: "Die when I may, I want it said of me by those who know me best, that I always plucked a thistle and planted a flower when I thought a flower would grow."

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Hughes.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Brosy and Lilliana Ramirez.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Swarts, Anthony Benavidez, Kaylyn Taylor, and Daniel Mortensen.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Dragon.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Hinton and Denette Corrales.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Garcia.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Pisani.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Handelin.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Celine Norman.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Winder, Levi Larkin, and Stephen Glen Gubler.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Bunt, Al Bunt, and Michael Arreygue.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Blackburn, Heidi Wixom, and Aerrow Cruz.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Jabbour, Michael Lach, Brad Wilber, and Perry Francis.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Brabante.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Shelton, Jillian Shelton, Carlos Pedraza, Nicole Shelton, and Mark Shelton.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Randolph and Michelle Gach.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Thiriot, Spencer Mecham, and Emily Whipple.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Tick, Alex Martinez, Chance Ratcliffe, and Josh Hinkson.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, April 16, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:57 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly