THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 17, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Jacob Benzaquen.

God and the God of our ancestors, we ask Your blessings for our great republic and the great state of Nevada, for its government, legislature, leaders, and for all who exercise just and rightful authority, based on Your eternal promise in Genesis to our forefather Abraham, " . . . I will bless those who bless You."

Teach us to appreciate the treasure of our lives. Reawaken joy and save us from dissension and jealousy. Guide our leaders with your light and truth; help them with your good counsel. Let love and justice flow like a mighty stream. And let us all say:

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera 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

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 385, 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 Commerce and Labor, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 313, 354, 386, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 563, 565, 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 6, 91, 94, 120, 218, 233, 253, 258, 296, 463, 533, 558, 559, 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. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 158, 261, 305 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 49, 63, 77, 83, 107, 194, 344, 406, 418, 498, 519, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 243, 252, 269 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 57, 118, 154, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 19, 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 378, 474, 496, 508, 541; Senate Joint Resolutions Nos. 11, 12, 13, 14, 17, 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 154, 281, 284.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 6, 49, 57, 63, 77, 83, 91, 94, 107, 118, 120, 154, 158, 194, 218, 222, 233, 236, 243, 252, 253, 258, 261, 269, 291, 296, 305, 313, 344, 354, 385, 386, 391, 406, 418, 463, 489, 498, 516, 519, 520, 533, 558, 559, 563, 565, 567, just reported out committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Senate Joint Resolution No. 11.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 13.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 14.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 17.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 18.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 609—AN ACT making an appropriation to the Division of Welfare and Supportive Services of the Department of Health and Human Services for a feasibility study of the NOMADS software application; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 19.

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

Motion carried.

Senate Bill No. 154.

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

Motion carried.

Senate Bill No. 281.

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

Motion carried.

Senate Bill No. 284.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 378.

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

Motion carried.

Senate Bill No. 474.

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

Motion carried.

Senate Bill No. 496.

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

Motion carried.

Senate Bill No. 508.

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

Motion carried.

Senate Bill No. 541.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the action whereby Senate Bill No. 496 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 496 be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

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

Amendment No. 12.

AN ACT relating to counties; authorizing a board of county commissioners to enter into ~~[a contract or other agreement]~~ ***contracts or other agreements*** to provide the residents of the county with discounts on prescription drugs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A board of county commissioners is authorized under existing law to enact laws to protect the public health. (NRS 244.357) This bill specifically authorizes a board of county commissioners to enter into ~~[a contract or other agreement]~~ ***contracts or other agreements*** to provide the residents of the county with discounts on prescription drugs. ***Any such contract or agreement is not subject to competitive bidding procedures.***

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may enter into ~~[a contract]~~ ***one or more contracts or other*** ~~[agreement]~~ ***agreements to provide the residents of the county with a reduction in the price of a drug or medicine dispensed by a pharmacy pursuant to a prescription.*** ~~[The]~~ ***Such contract or other agreement may, without limitation, provide for the participation of the county in a program that provides prescription drugs or medicines at a discounted price.***

2. A contract or agreement entered into pursuant to subsection 1 is not subject to any requirement of competitive bidding or other restriction imposed on the procedure for the awarding of contracts.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 430.

SUMMARY— ~~[Exempts certain persons from]~~ **Revises certain provisions concerning** jury service. (BDR 1-145)

AN ACT relating to juries; exempting certain persons from jury service; **providing that certain primary caregivers may be temporarily excused from jury service;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill revises provisions of existing law which exempt certain persons from jury service by reinstating ~~[certain exemptions]~~ **an exemption** from jury service **for any police officer** which ~~[were]~~ **was** repealed during the 72nd Session of the Nevada Legislature. (NRS 6.020; Chapter 255, Statutes of Nevada 2003, p. 1347) ~~[Specifically, this bill reinstates exemptions from jury service for: (1) any federal or state officer; (2) any judge, justice of the peace or attorney at law; (3) any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer; and (4) any officer or correctional officer employed by the Department of Corrections. This bill also adds a new exemption]~~ **Section 3 of this bill provides a prospective expiration date for this exemption of July 1, 2011. Section 2 of this bill authorizes a court to temporarily excuse a juror** from jury service ~~[for any other correctional officer.]~~ **if that juror is a primary caregiver of another person who has a documented medical condition which requires the assistance of another person at all times. (NRS 6.030)**

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

Section 1. NRS 6.020 is hereby amended to read as follows:

6.020 1. Except as otherwise provided in subsections 2 and 3 and NRS 67.050, upon satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others, are exempt from service as grand or trial jurors:

(a) While the Legislature is in session, any member of the Legislature or any employee of the Legislature or the Legislative Counsel Bureau; ~~[and]~~

(b) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~[.]~~ ***; and***

(c) Any ~~[federal or state officer;~~

~~(d) Any judge, justice of the peace or attorney at law;~~

~~(e) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer;~~

~~(f) Any officer employed by the Department of Corrections; and~~

~~(g) Any correctional officer.]~~ ***police officer as defined in NRS 617.135.***

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

Sec. 2. **NRS 6.030 is hereby amended to read as follows:**

6.030 1. The court may at any time temporarily excuse any juror on account of:

(a) Sickness or physical disability.

(b) Serious illness or death of a member of his immediate family.

(c) Undue hardship or extreme inconvenience.

(d) Public necessity.

~~[.]~~

2. In addition to the reasons set forth in subsection 1, the court may at any time temporarily excuse a person who provides proof that he is the primary caregiver of another person who has a documented medical condition which requires the assistance of another person at all times.

3. A person temporarily excused shall appear for jury service as the court may direct.

~~[2.]~~ ***4.*** The court shall permanently excuse any person from service as a juror if he is incapable, by reason of a permanent physical or mental

disability, of rendering satisfactory service as a juror. The court may require the prospective juror to submit a physician's certificate concerning the nature and extent of the disability and the certifying physician may be required to testify concerning the disability when the court so directs.

Sec. 3. **1. This act becomes effective upon passage and approval.**

2. The amendatory provisions of section 1 of this act expire by limitation on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 69.

AN ACT relating to traffic laws; revising provisions governing the stopping, standing or parking of a vehicle near a crosswalk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill expands the prohibition in existing law from stopping, standing or parking a vehicle within 20 feet of a crosswalk that is located at an intersection by prohibiting such activity at any crosswalk, regardless of location. (NRS 484.399)

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

Section 1. NRS 484.399 is hereby amended to read as follows:

484.399 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;

(e) On a crosswalk;

(f) Within 20 feet of a crosswalk **;** ~~[at an intersection;]~~

(g) ~~[;~~

~~(f)]~~ Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;

(h) ~~[(g)]~~ Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(i) ~~[(h)]~~ Within 50 feet of the nearest rail of a railroad;

(j) ~~[(i)]~~ Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;

(k) ~~[(j)]~~ Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;

(l) ~~[(k)]~~ On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;

(m) ~~[(l)]~~ Upon any bridge or other elevated structure or within a highway tunnel;

(n) ~~[(m)]~~ Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and

(o) ~~[(n)]~~ At any place where official traffic-control devices prohibit stopping, standing or parking.

2. The provisions of paragraph (n) ~~[(m)]~~ of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.

3. A person shall not move a vehicle not owned by him into any prohibited area or away from a curb to a distance which is unlawful.

4. A local authority may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

AN ACT relating to crimes; revising the additional penalty that must be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment for the underlying crime. (NRS 193.165) This bill revises the term of imprisonment for this additional penalty to require instead that, in addition to the punishment prescribed for

the underlying crime, a person who uses a firearm, other deadly weapon or a weapon containing or capable of emitting tear gas in the commission of a crime must be punished by imprisonment in the state prison for a term of not less than 1 year and not more than ~~[10]~~ **20** years ~~[.]~~ **, except that the additional term of imprisonment must not exceed the length of the sentence imposed for the underlying crime.**

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

Section 1. NRS 193.165 is hereby amended to read as follows:

193.165 1. Except as otherwise provided in NRS 193.169, any person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall ***, in addition to the term of imprisonment prescribed by statute for the crime,*** be punished by imprisonment in the state prison for ~~[a term equal to and in addition to the]~~ ***a minimum*** term of ~~[imprisonment prescribed by statute for the crime.]~~ ***not less than 1 year and a maximum term of not more than*** ~~[10]~~ ***20 years.*** The sentence prescribed by this section ~~[runs]~~ ***:***

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

2. 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.

3. The provisions of subsections 1 and 2 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

4. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

(a) Murder;

(b) Kidnapping in the first degree;

(c) Sexual assault; or

(d) Robbery.

5. As used in this section, “deadly weapon” means:

(a) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death;

(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or

(c) A dangerous or deadly weapon specifically described in NRS 202.255, 202.265, 202.290, 202.320 or 202.350.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 235.

AN ACT relating to criminal procedure; revising provisions for determining whether a defendant is competent to stand trial or be punished for a criminal offense; requiring all other departments of the court which has suspended a trial to determine competency of a defendant to suspend any other proceedings related to the defendant; reducing the time by which a court must determine competency when a trial is not requested; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person may not be tried or punished for a criminal offense while he is incompetent and defines the term "incompetent." (NRS 178.400) Section 1 of this bill revises the definition of "incompetent" to include a person who does not have the ~~[capacity]~~ **present ability** to understand the nature and purpose of the court proceedings ~~[.]~~ **or to assist his counsel with a reasonable degree of rational understanding.**

Existing law requires the court to suspend proceedings if a question arises as to the competency of a criminal defendant until the question of competence is resolved. (NRS 178.405) Section 2 of this bill clarifies that competency may be determined at any time after the arrest of a defendant. Section 2 also requires the suspension of any other proceedings relating to the defendant once the question of competency is raised until the defendant is determined to be competent.

In certain circumstances, existing law requires the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services to evaluate the competency of certain criminal defendants and to send a written report of his findings and opinions regarding the competency of the defendant to the court. (NRS 178.455) Section 3 of this bill requires the Administrator, in evaluating the competency of a defendant, to consider ~~[, among other factors, whether the defendant is of sufficient mentality to understand the nature and purpose of the court proceedings.]~~ **and make findings concerning each of the factors for determining whether a person meets the definition of incompetent.** (NRS 178.455)

Existing law provides that the district attorney or counsel for the defendant may request a hearing on the report prepared by the Administrator. Sections 3 and 4 of this bill revise the time by which the court, when no hearing is requested, is required to make and enter its finding of competence or incompetence of the defendant from within 20 days to within 10 days after

the Administrator sends the court the report required pursuant to NRS 178.455. (NRS 178.455, 178.460)

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

Section 1. NRS 178.400 is hereby amended to read as follows:

178.400 1. A person may not be tried or adjudged to punishment for a public offense while he is incompetent.

2. For the purposes of this section, "incompetent" means that the person ~~[is not of sufficient mentality to be able to understand]~~ ***does not have the*** ~~[capacity]~~ ***present ability to:***

(a) Understand the nature of the criminal charges against him ~~[, and because of that insufficiency, is not able to aid]~~ ***;***

(b) Understand the nature and purpose of the court proceedings; or

(c) Aid and assist his counsel in the defense ~~[interposed upon the trial or against the pronouncement of the judgment thereafter.]~~ ***at any time during the proceedings with a reasonable degree of rational understanding.***

Sec. 2. NRS 178.405 is hereby amended to read as follows:

178.405 ***1.*** Any time ***after the arrest of a defendant, including, without limitation, proceedings*** before trial, ~~[or]~~ ***during trial,*** when upon conviction the defendant is brought up for judgment ~~[,]~~ ***or when a defendant who has been placed on probation or whose sentence has been suspended is brought before the court,*** if doubt arises as to the competence of the defendant, the court shall suspend the ***proceedings, the*** trial or the pronouncing of the judgment, as the case may be, until the question of competence is determined.

2. If the proceedings, the trial or the pronouncing of the judgment are suspended, the court must notify any other departments of the court of the suspension in writing. Upon receiving such notice, the other departments of the court shall suspend any other proceedings relating to the defendant until the defendant is determined to be competent.

Sec. 3. NRS 178.455 is hereby amended to read as follows:

178.455 1. Except as otherwise provided for persons charged with or convicted of a misdemeanor, the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee shall appoint a licensed psychiatrist and a licensed psychologist from the treatment team who is certified pursuant to NRS 178.417 to evaluate the defendant. The Administrator or his designee shall also appoint a third evaluator who must be a licensed psychiatrist or psychologist, must be certified pursuant to NRS 178.417 and must not be a member of the treatment team. Upon the completion of the evaluation and treatment of the defendant, the Administrator or his designee shall report to the court in writing his specific findings and opinion upon ~~[:~~

~~(a) Whether]~~ ***whether*** the person ~~[is of sufficient mentality]~~ ***has the present ability*** to ~~[understand]~~ ***:***

(a) Understand the nature of the offense charged;

(b) ~~[Whether the person is of sufficient mentality to understand]~~ ***Understand the nature and purpose of the court proceedings; and***

(c) ~~[Whether the person is of sufficient mentality to aid]~~ ***Aid*** and assist ***his*** counsel ~~[in the defense of the offense charged, or to show cause why judgment should not be pronounced; and]~~

~~[(c)]~~ ~~[(d)]~~ ***in the defense at any time during the proceedings with a reasonable degree of rational understanding.***

2. If the ***Administrator or his designee finds that the*** person ~~[is not of sufficient mentality]~~ ***does not have the present ability*** pursuant to ~~[paragraphs]~~ ***paragraph*** (a) ***,*** ~~[and]~~ (b) ~~[and]~~ ***or (c) of subsection 1*** to ~~[be placed upon trial or receive pronouncement of judgment,]~~ ***understand or to aid and assist his counsel during the court proceedings, the Administrator or his designee shall include in the written report the reasons for the finding and*** whether there is a substantial probability that he can receive treatment to competency and will attain competency in the foreseeable future.

~~[2.]~~ ***3.*** A copy of the report must be:

(a) Maintained by the Administrator of the Division of Mental Health and Developmental Services or his designee and incorporated in the medical record of the person; and

(b) Sent to the office of the district attorney and to the counsel for the outpatient or person committed.

3. In the case of a person charged with or convicted of a misdemeanor, the judge shall, upon receipt of the report set forth in NRS 178.450 from the Administrator of the Division of Mental Health and Developmental Services or his designee:

(a) Send a copy of the report by the Administrator or his designee to the prosecuting attorney and to the defendant's counsel;

(b) Hold a hearing, if one is requested within 10 days after the report is sent pursuant to paragraph (a), at which the attorneys may examine the Administrator or his designee or the members of the defendant's treatment team on the determination of the report; and

(c) Within 10 days after the hearing, if any, or ~~[20]~~ ***10*** days after the report is sent if no hearing is requested, enter his finding of competence or incompetence in the manner set forth in subsection 4 of NRS 178.460.

Sec. 4. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or ~~[20]~~ ***10*** days after the report is sent, if no hearing is requested, the judge shall make and enter his finding of competence or incompetence, and if he finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward his finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is dangerous to himself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is not dangerous to himself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or if the defendant is an outpatient, released from his obligations as an outpatient if, within 10 days, a petition is not filed to commit the person pursuant to NRS 433A.200. After the initial 10 days, the defendant may remain an outpatient or in custody under the provisions of this chapter only as long as the petition is pending unless the defendant is involuntarily committed pursuant to chapter 433A of NRS.

5. No person who is committed under the provisions of this chapter may be held in the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee longer than the longest period of incarceration provided for the crime or crimes with which he is charged or 10 years,

whichever period is shorter. Upon expiration of the applicable period, the defendant must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 363.

AN ACT relating to crimes; providing an additional penalty for specified crimes motivated by the victim's actual or perceived status as a homeless person; ~~[expanding the aggravating circumstances for murder of the first degree to include crimes motivated by the victim's actual or perceived status as a homeless person;]~~ expanding provisions governing civil liability for certain crimes to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding the program for reporting crimes motivated by certain characteristics of the victim within the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an additional penalty when a person commits certain "hate crimes" in which the perpetrator of the crime is motivated by certain actual or perceived characteristics of the victim. (NRS 193.1675) Section 1 of this bill expands the scope of that provision to provide that the additional penalty may also be imposed for certain hate crimes committed against a person whom the perpetrator believed to be a homeless person.

~~[Section 2 of this bill expands existing law to provide that a hate crime committed because of the actual or perceived status of the victim as a homeless person constitutes an aggravating circumstance for murder of the first degree. (NRS 200.033)]~~

Section 3 of this bill provides that, unless a greater penalty is provided, certain hate crimes committed against such a victim are gross misdemeanors. (NRS 207.185)

Section 4 of this bill expands the provisions permitting recovery of actual and punitive damages in a civil suit by a victim of a hate crime to include recovery against a perpetrator who acted because of the victim's actual or perceived status as a homeless person. (NRS 41.690)

Section 5 of this bill adds crimes committed based on the victim's actual or perceived status as a homeless person to the types of hate crimes for which the Program for Reporting Crimes of the Central Repository for Nevada Records of Criminal History must collect, compile and analyze statistical data. (NRS 179A.175)

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ***or status as a homeless person*** of the victim was different from that characteristic of the perpetrator may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section, "homeless person" means ~~[:~~

~~(a) A person who does not have a fixed, regular and adequate nighttime residence; or~~

~~(b) A]~~ ***a person whose primary nighttime residence is:***

~~[(1)]~~ ***(a) Any supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, without limitation, a*** ~~[welfare]~~ ***motel, hotel, congregate shelter and transitional housing*** ~~[for the mentally ill;~~

~~(2) Any institution that provides a temporary residence for persons intended to be institutionalized;]~~ ***; or***

~~[(3)]~~ ***(b) Any public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.***

Sec. 2. ~~[NRS 200.033 is hereby amended to read as follows:~~

~~200.033 The only circumstances by which murder of the first degree may be aggravated are:~~

~~1. The murder was committed by a person under sentence of imprisonment.~~

~~2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:~~

~~(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or~~

~~(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.~~

~~→ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.~~

~~4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:~~

~~(a) Killed or attempted to kill the person murdered; or~~

~~(b) Knew or had reason to know that life would be taken or lethal force used.~~

~~5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.~~

~~6. The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.~~

~~7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his official duty or because of an act performed in his official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:~~

~~(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require him to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.~~

~~(b) 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, when carrying out those powers.~~

~~8. The murder involved torture or the mutilation of the victim.~~

~~9. The murder was committed upon one or more persons at random and without apparent motive.~~

~~10. The murder was committed upon a person less than 14 years of age.~~

~~11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability , [or] sexual orientation *or status as a homeless person* of that person. *For the purposes of this subsection, "homeless person" has the meaning ascribed to it in NRS 193.1675.*~~

~~12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~

~~13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately~~

~~before, during or immediately after the commission of the murder. For the purposes of this subsection:~~

~~(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.~~

~~(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.~~

~~14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.~~

~~15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 207.185 is hereby amended to read as follows:

207.185 ***1.*** Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ***or status as a homeless person*** of another person or group of persons, willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 is guilty of a gross misdemeanor.

2. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Sec. 4. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ***or status as a homeless person*** may bring an action for the recovery of his

actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award him costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Sec. 5. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a Program for Reporting Crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.***

2. The Program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.*** The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Criminal Repository shall include in its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability **,** ~~[or]~~ sexual orientation ~~[.]~~ ***or status as a homeless person.***

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, the term "homeless person" has the meaning ascribed to it in NRS 193.1675.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

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

Amendment No. 80.

AN ACT relating to explosives; ~~[providing a list of chemicals designated as explosives;]~~ ***establishing a definition of the term "explosive";*** enacting provisions relating to the labeling of containers used for storing explosives; establishing requirements concerning the making of mandatory reports ~~[to law enforcement agencies]~~ regarding the distribution of explosives under certain circumstances; revising the provisions relating to records regarding transactions and inventories of explosives; ~~[revising the provisions relating to~~

~~the inspection of facilities used for explosives;~~ ***revising provisions relating to the storage of explosives;*** providing ~~a penalty;~~ ***penalties;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill establishes a definition of the term "explosive" for the purposes of certain provisions relating to explosives ***.*** ~~and provides a list of chemicals that are included within the definition of the term.~~ Section 3 of this bill provides that any container used to store an explosive must be properly labeled in accordance with all applicable state and federal laws and regulations. Section 4 of this bill ~~requires~~ ***makes it a gross misdemeanor for*** a person to ***fail to*** make a report to a local law enforcement agency ***and fire department*** if he has knowledge of any unusual circumstances involving explosives. ***Section 4 of this bill excludes from its application persons working in their official capacities in the mining industry.*** Section 5 of this bill requires persons who conduct certain transactions involving explosives to create and maintain certain written records and inventories concerning those transactions and prohibits such persons from falsifying such records or failing to create or maintain such records. ~~Section 6 of this bill revises the provisions relating to the storage of explosives to require that the local law enforcement agency be notified of any public hearing involving a conditional use permit and also that the notice include a statement regarding the magazine to be used. (NRS 278.147) Section 7 of this bill expands existing law allowing for the inspection of facilities where explosives are manufactured, used, processed, handled, moved on-site or stored to allow also for the inspection of facilities where required records relating to explosives are stored. (NRS 459.3819)~~ ***Section 5 of this bill also requires persons to store explosives in conformity with federal law and requires persons who store explosives to notify a local law enforcement agency and fire department of certain information relating to that storage. Section 5 of this bill excludes from its application persons working in their official capacities in the mining industry.***

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

Section 1. Chapter 476 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, "explosive" means*** ~~*gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses, other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixtures or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device, or any part thereof, may cause an explosion. The term includes, without limitation:*~~

~~1. Acetylides of heavy metals.~~
~~2. Acetone.~~
~~3. Aluminum containing polymeric propellant.~~
~~4. Aluminum ophorite explosive.~~
~~5. Aluminum powder.~~
~~6. Amatex.~~
~~7. Ammonal.~~
~~8. Ammonium nitrate explosive mixtures (cap sensitive).~~
~~9. Ammonium nitrate explosive mixtures (non-cap sensitive).~~
~~10. Ammonium nitrate (common lawn fertilizer).~~
~~11. Ammonium perchlorate composite propellant.~~
~~12. Ammonium perchlorate explosive mixtures.~~
~~13. Ammonium picrate (picrate of ammonia, explosive D).~~
~~14. Ammonium salt lattice with isomorphously substituted inorganic salts.~~
~~15. Ammonium nitrate fuel oil (ANFO).~~
~~16. Aromatic nitro compound explosive mixtures.~~
~~17. Azide explosives.~~
~~18. Baranol.~~
~~19. Baratol.~~
~~20. BEAF (1,2-bis (2, 2-difluoro-2-nitroacetoxyethane)).~~
~~21. Black powder.~~
~~22. Black powder based explosive mixtures.~~
~~23. Blasting agents (nitro -arbo-nitrates, including non-cap sensitive slurry and water gel explosives).~~
~~24. Blasting caps.~~
~~25. Blasting gelatin.~~
~~26. Blasting powder.~~
~~27. BTEN bis (trinitroethyl) nitramine.~~
~~28. BTNEC bis (trinitroethyl) carbonate.~~
~~29. BTTN 1,2,4 butanetrio1 trinitrate.~~
~~30. Bulk salutes.~~
~~31. Butyl tetryl.~~
~~32. Calcium nitrate explosive mixtures.~~
~~33. Cellulose hexanitrate explosive mixture.~~
~~34. Chlorate explosive mixtures (composition A and variations, composition B and variations, composition C and variations).~~
~~35. Copper acetylide.~~
~~36. Cyanuric triazide.~~
~~37. Cyclonite (RDX).~~
~~38. Cyclotetramethylenetetranitramine (HMX).~~
~~39. Cyclotol.~~
~~40. Cyclotrimethylenetrinitramine (RDX).~~
~~41. DATB (diaminotrinitrobenzene).~~
~~42. DDNP (diazodinitrophenol).~~

~~43. Detonating cord.~~
~~44. Detonators.~~
~~45. Dimethylol dimethyl methane dinitrate composition.~~
~~46. Dinitroethyleneurea.~~
~~47. Dinitroglycerine (glycerol dinitrate).~~
~~48. Dinitrophenol.~~
~~49. Dinitrophenolates.~~
~~50. Dinitrophenyl hydrazine.~~
~~51. Dinitroresorcinol.~~
~~52. Dinitrotoluene-sodium nitrate explosive mixtures.~~
~~53. DIPAM (dipicramide: diaminohexanitrobiphenyl).~~
~~54. Dipicryl sulfone.~~
~~55. Dipicrylamine.~~
~~56. Display fireworks.~~
~~57. DNPA (2,2-dinitropropyl acrylate).~~
~~58. DNPD (dinitropentano nitrile).~~
~~59. EDDN (ethylene diamine dinitrate).~~
~~60. EDNA (ethylenedinitramine).~~
~~61. Ednatol.~~
~~62. EDNP (ethyl 4,4-dinitropentanoate).~~
~~63. EGDN (ethylene glycol dinitrate).~~
~~64. Erythritol tetranitrate explosives.~~
~~65. Esters of nitro-substituted alcohols.~~
~~66. Ethyl-tetryl.~~
~~67. Explosive conitrates.~~
~~68. Explosive gelatins.~~
~~69. Explosive liquids.~~
~~70. Explosive mixtures containing oxygen-releasing inorganic salts and hydrocarbons.~~
~~71. Explosive mixtures containing oxygen-releasing inorganic salts and nitro bodies.~~
~~72. Explosive mixtures containing oxygen-releasing inorganic salts and water insoluble fuels.~~
~~73. Explosive mixtures containing oxygen-releasing inorganic salts and water soluble fuels.~~
~~74. Explosive mixtures containing sensitized nitromethane.~~
~~75. Explosive mixtures containing tetranitromethane (nitroform).~~
~~76. Explosive nitro compounds of aromatic hydrocarbons.~~
~~77. Explosive organic nitrate mixtures.~~
~~78. Explosive powders.~~
~~79. Flash powder.~~
~~80. Fulminate of mercury.~~
~~81. Fulminate of silver.~~
~~82. Fulminating gold.~~
~~83. Fulminating mercury.~~

~~84. Fulminating platinum.~~
~~85. Fulminating silver.~~
~~86. Gelatinized nitrocellulose.~~
~~87. Gem-dinitro aliphatic explosive mixtures.~~
~~88. Guanyl nitrosamino guanyl tetrazene.~~
~~89. Guanyl nitrosamino guanylidene hydrazine.~~
~~90. Guncotton.~~
~~91. Heavy metal azides.~~
~~92. Hexanite hexanitrodiphenylamine.~~
~~93. Hexanitrostilbene.~~
~~94. Hexogen (RDX).~~
~~95. Hexogene or octogene and a nitrated N-methylaniline.~~
~~96. Hexolites.~~
~~97. HMTD (hexamethylenetriperoxidediamine).~~
~~98. HMX (cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine, octogen).~~
~~99. Hydrazinium nitrate/hydrazine/aluminum explosive system.~~
~~100. Hydrazoic acid.~~
~~101. Hydrochloric acid.~~
~~102. Hydrogen peroxide.~~
~~103. Ignitor cord.~~
~~104. Igniters.~~
~~105. Initiating tube systems.~~
~~106. KDNBF (potassium dinitrobenzo-furoxane).~~
~~107. Lead azide.~~
~~108. Lead mannite.~~
~~109. Lead mononitroresorcinate.~~
~~110. Lead picrate.~~
~~111. Lead salts (explosive).~~
~~112. Lead styphnate (staphynate of lead, lead trinitroresorcinate).~~
~~113. Liquid nitrated polyol and trimethylolethane.~~
~~114. Liquid oxygen explosives.~~
~~115. Magnesium ophorite explosives.~~
~~116. Mannitol hexanitrate.~~
~~117. MDNP (methyl 4,4-dinitropentanoate).~~
~~118. MEAN (monoethanolamine nitrate).~~
~~119. Mercuric fulminate.~~
~~120. Mercury oxalate.~~
~~121. Mercury tartrate.~~
~~122. Metriol trinitrate.~~
~~123. Minol-2 (40 percent TNT, 40 percent ammonia nitrate, 20 percent aluminum).~~
~~124. Mononitrotoluene-nitroglycerin.~~
~~125. Monopropellants.~~
~~126. NIBTN (nitroisobutametriol trinitrate).~~
~~127. Nitrate explosive mixtures.~~

~~128. Nitrate sensitized with gelled nitroparaffin.~~
~~129. Nitrated carbohydrate explosive.~~
~~130. Nitrated glucoside explosive.~~
~~131. Nitrated polyhydric alcohol explosives.~~
~~132. Nitric acid.~~
~~133. Nitric acid and a nitro aromatic compound explosive.~~
~~134. Nitric acid and carboxylic fuel explosive.~~
~~135. Nitric acid explosive mixtures.~~
~~136. Nitric aromatic explosive mixtures.~~
~~137. Nitro compounds of furane explosive mixtures.~~
~~138. Nitrocellulose explosive.~~
~~139. Nitrogelatin explosive.~~
~~140. Nitrogen trichloride.~~
~~141. Nitrogen tri-iodide.~~
~~142. Nitroglycerine (NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine).~~
~~143. Nitroglycide.~~
~~144. Nitroglycol (ethylene glycol, dinitrate, EGDN).~~
~~145. Nitroguanidine explosives.~~
~~146. Nitronium perchlorate propellant mixtures.~~
~~147. Nitroparaffins explosive grade and ammonium nitrate mixtures.~~
~~148. Nitrostarch.~~
~~149. Nitro-substituted carboxylic acids.~~
~~150. Octogen (HMX).~~
~~151. Octol (75 percent HMX, 25 percent TNT).~~
~~152. Organic amine nitrates.~~
~~153. Organic nitramines.~~
~~154. PBX (plastic bonded explosives).~~
~~155. Pellet powder.~~
~~156. Penthrinite composition.~~
~~157. Pentolite.~~
~~158. Perchlorate explosive mixtures.~~
~~159. Peroxide-based explosive mixtures.~~
~~160. PETN (nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate).~~
~~161. Picramic acid and its salts.~~
~~162. Picramide.~~
~~163. Picrate acid.~~
~~164. Picrate explosives.~~
~~165. Picrate of potassium explosive mixtures.~~
~~166. Picratol.~~
~~167. Picric acid (manufactured as an explosive).~~
~~168. Picryl chloride.~~
~~169. Picryl fluoride.~~
~~170. PLX (95 percent nitromethane, 5 percent ethylenediamine).~~

~~171. Polynitro aliphatic compounds.~~
~~172. Polyolpolynitrate-nitrocellulose explosive gels.~~
~~173. Potassium chlorate and lead sulfocyanate explosive.~~
~~174. Potassium nitrate explosive mixtures.~~
~~175. Potassium nitroaminotetrazole.~~
~~176. Pyrotechnic compositions.~~
~~177. PYX (2,6-bis (picrylamino) 3,5-dinitropyridine).~~
~~178. RDX (cyclonite, hexogen, T4) (Cyclo-1,3,5, trimethylene-2,4,6, trinitramine, hexahydro-1,3,5-trinitro-S-triazine).~~
~~179. Safety fuse.~~
~~180. Salts of organic amino sulfonic acid explosive mixture.~~
~~181. Salutes (bulk).~~
~~182. Silver acetylide.~~
~~183. Silver azide.~~
~~184. Silver fulminate.~~
~~185. Silver oxalate explosive mixtures.~~
~~186. Silver styphnate.~~
~~187. Silver tartrate explosive mixtures.~~
~~188. Silver tetrazene.~~
~~189. Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).~~
~~190. Smokeless powder.~~
~~191. Sodatol.~~
~~192. Sodium amatol.~~
~~193. Sodium azide explosive mixture.~~
~~194. Sodium dinitro-ortho-cresolate.~~
~~195. Sodium nitrate explosive mixtures.~~
~~196. Sodium nitrate-potassium nitrate explosive mixture.~~
~~197. Sodium picramate.~~
~~198. Special fireworks.~~
~~199. Squibs.~~
~~200. Sulfuric acid.~~
~~201. Styphnic acid explosives.~~
~~202. Tacot (tetranitro-2,3,5,6-dibenzo-1,3a,4,6a tatrazapentalene).~~
~~203. TATB (triaminotrinitrobenzene).~~
~~204. TATP (triacetonetriperoxide).~~
~~205. TEGDN (triethylene glycol dinitrate).~~
~~206. Tetranitrocarbazole.~~
~~207. Tetrazene (tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate).~~
~~208. Tetyrl (2,4,6-tetranitro-N-methlaniline).~~
~~209. Tetrytol.~~
~~210. Thickened inorganic oxidizer salt slurried explosive mixture.~~
~~211. TMETN (trimethylolethane trinitrate).~~
~~212. TNEF (trinitroethyl formal).~~

~~213. TNEOC (trinitroethylorthocarbonate).~~
~~214. TNEOF (trinitroethylorthoformate).~~
~~215. TNT (trinitrotoluene, trotyl, trilite, triton).~~
~~216. Torpex.~~
~~217. Trimethylol ethyl methane trinitrate composition.~~
~~218. Trimethylolthane trinitrate-nitrocellulose.~~
~~219. Trimonite.~~
~~220. Trinitroanisole.~~
~~221. Trinitrobenzene.~~
~~222. Trinitrobenzoic acid.~~
~~223. Trinitrocresol.~~
~~224. Trinitro-meta-cresol.~~
~~225. Trinitronaphthalene.~~
~~226. Trinitrophenetol.~~
~~227. Trinitrophloroglucinol.~~
~~228. Trinitroresorcinol.~~
~~229. Tritonal.~~
~~230. Water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).~~
~~231. Water-in-oil emulsion explosive compositions.~~
~~232. Xanthamonas hydrophilic colloid *explosive* mixture.~~] ***any explosive material included in the list of explosive materials published in the Federal Register and revised annually by the Attorney General of the United States pursuant to 18 U.S.C. §§ 841 et seq.***

Sec. 3. ***Any container used to store an explosive must be marked in accordance with all applicable state and federal laws and regulations.***

Sec. 4. ~~[Any]~~

1. Except as otherwise provided in subsection 3, any person who has knowledge of an unusual sale, purchase, theft or loss of any explosive shall, within 24 hours after the discovery, report the sale, purchase, theft or loss to the local law enforcement agency ~~[.]~~ ***and local fire department in whose jurisdiction the sale, purchase, theft or loss occurred. The report must contain, when possible:***

~~[1.]~~ ***(a) The name, birth date and address of the persons involved.***

~~[2.]~~ ***(b) The amount and type of explosive involved.***

~~[3.]~~ ***(c) Any other information the person making the report believes to be useful.***

2. Any person who violates the provisions of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.

4. For the purposes of this section, there is a rebuttable presumption that a sale, purchase, theft or loss of any explosive is "unusual" if that type

of sale, purchase, theft or loss does not regularly occur in the ordinary course of business.

Sec. 5. NRS 476.010 is hereby amended to read as follows:

476.010 1. Except in the due course of trade ~~[,]~~ ***or as otherwise provided in subsection 9,*** it is unlawful for any dealer in dynamite, nitroglycerine, gunpowder or ***any*** other ~~[high]~~ explosive to ~~[dispose of, transfer or sell]~~ ***distribute*** to any person, in any unusual manner, an excessive amount of such commodities.

2. ~~[A record shall be kept by all dealers in such commodities of all such sales of the same made by them, showing the purpose for which the same is to be used and to whom sold.~~

~~3. No such sale of such commodities shall be made to any person except upon a signed order delivered to the merchant dealing in the same, stating the purpose and use to which the same is to be put.~~

~~4.]~~ ***It is unlawful for any person to manufacture, import, purchase or distribute any explosive without creating and maintaining a written record that includes the information required pursuant to this section.***

3. If a person involved in a transaction is not a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information:

(a) The name of the ~~[persons involved in the transaction.]~~ ***person.***

(b) The signature of the ~~[persons involved in the transaction.]~~ ***person.***

(c) ~~[The social security numbers of the persons involved in the transaction.~~

~~(d)]~~ ***The*** ~~[taxpayer identification numbers]~~ ***driver's license number of the*** ~~[persons involved in the transaction.]~~ ***person.***

~~[(e)]~~ ***(d) The residential*** ~~[addresses]~~ ***address of the*** ~~[persons involved in the transaction.]~~ ***person.***

~~[(f)]~~ ***(e) The date of the transaction.***

~~[(g)]~~ ***(f) A statement of intended use.***

~~[(h)]~~ ***4. If a person involved in a transaction is a business or governmental entity or an agent of a business or governmental entity, the written record required pursuant to subsection 2 must include all the following information with respect to the business or governmental entity and the agent of the business or governmental entity*** ~~[:]~~ ***, if appropriate:***

~~[(1)]~~ ***(a) The name of the business or governmental entity.***

~~[(2)]~~ ***(b) The taxpayer identification number of the business or governmental entity.***

(c) The principal and local addresses of the business or governmental entity.

~~[(3)]~~ ***(d) The name*** ~~[, place of birth and residential address of]~~ ***and any other appropriate personal identifying information that is sufficient to identify the agent authorized to act for the business or governmental entity.***

(e) The date of the transaction.

(f) A statement of intended use.

[3.] ***5. It is unlawful for any person to knowingly and intentionally:***

(a) Make any false or misleading entry in a written record required pursuant to subsection 2; or

(b) Fail to make an entry in a written record required pursuant to subsection 2.

[4.] ***6. Any person who keeps any explosive for any purpose shall*** [establish and update, on at least a daily basis, a true and accurate inventory of the explosives on hand.

5.] ***do so in conformity with the regulations governing the storage of explosives promulgated by the Attorney General of the United States pursuant to 18 U.S.C. § 842 and set forth in 27 C.F.R. §§ 555.201 et seq.***

7. Any person who stores any explosive shall, within 24 hours after beginning to store the explosive, notify the local law enforcement agency and local fire department in whose jurisdiction the explosive is stored of:

(a) The type of explosive that is being stored; and

(b) The location of the site where the explosive is stored.

8. Any person [violating] ***who violates*** the provisions of this section [shall be] ***is*** guilty of a gross misdemeanor.

[6.] ***9. The provisions of this section do not apply with respect to a person who is acting in his official capacity as an owner, officer or employee of a company, corporation or partnership engaged in the business of mining.***

10. As used in this section:

(a) "Distribute" means to sell, issue, give, transfer or otherwise dispose of an explosive.

(b) "Person" means any of the following:

(1) A natural person.

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization.

(3) A government, a political subdivision of a government or an agency or instrumentality of a government or a political subdivision of a government.

Sec. 6. [NRS 278.147 is hereby amended to read as follows:

278.147 1. No person may commence operation in this State of a facility where an explosive, a highly hazardous substance designated pursuant to NRS 459.3816 if present in a quantity equal to or greater than the amount designated pursuant to NRS 459.3816, or a hazardous substance listed in the regulations adopted pursuant to NRS 459.3833 will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit therefor from the governing body of the city or county in which the facility is to be located. Each governing body shall establish by local ordinance, in accordance with the provisions of this section, the procedures for obtaining such a permit.

~~2. An application for a conditional use permit must be filed with the planning commission of the city, county or region in which the facility is to be located. The planning commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The planning commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:~~

~~(a) Sent by mail or, if requested by a party to whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified, to:~~

~~(1) The applicant;~~

~~(2) Each owner or tenant of real property located within 1,000 feet of the property in question;~~

~~(3) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subparagraph (2);~~

~~(4) If a mobile home park or multiple unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence;~~

~~(5) Any advisory board that has been established for the affected area by the governing body;~~

~~(6) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

~~(7) The State Fire Marshal;~~ [and]

~~*(8) The local law enforcement agency in whose jurisdiction the facility is to be located; and*~~

~~*(9)* The Administrator of the Division of Industrial Relations of the Department of Business and Industry; and~~

~~(b) Published in a newspaper of general circulation within the city or county in which the property in question is located.~~

~~3. The notice required by subsection 2 must:~~

~~(a) Be written in language that is easy to understand;~~ [and]

~~(b) Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility~~ [.] ~~*; and*~~

~~*(c) Include a statement that contains all the following information:*~~

~~*(1) The type of magazine to be used.*~~

~~*(2) The location and distance of the magazine from the person's place of business.*~~

~~*(3) The distance of the magazine from the next nearest magazine.*~~

~~*(4) A description of the significant terrain features and physical features within the proximity of the magazine that may be damaged if the magazine explodes.*~~

~~*(5) The materials used to construct the magazine.*~~

~~*(6) The dimensions and capacity of the magazine.*~~

~~*(7) The name of the owner of the magazine.*~~

~~*(8) The names and telephone numbers, that must be updated annually, of the persons who are authorized to open the magazine for inspection by law enforcement officers.*~~

~~*(9) Any special conditions pertaining to the magazine.*~~

~~4. In considering the application, the planning commission shall:~~

~~(a) Consult with:~~

~~(1) Local emergency planning committees;~~

~~(2) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

~~(3) The State Fire Marshal;~~

~~(4) The Administrator of the Division of Industrial Relations of the Department of Business and Industry;~~ [and]

~~(5) *The local law enforcement agency in whose jurisdiction the facility is to be located; and*~~

~~*(6)* The governing body of any other city or county that may be affected by the operation of the facility; and~~

~~(b) Consider fully the effect the facility will have on the health and safety of the residents of the city, county or region.~~

~~5. The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, the planning commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.~~

~~6. The governing body shall, within 30 days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:~~

~~(a) Cause notice of the hearing to be given in the manner prescribed by subsection 2; and~~

~~(b) Grant or deny the conditional use permit within 30 days after the public hearing.~~

~~7. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.~~

~~8. As used in this section~~ [, "explosive"]~~:~~

~~*(a) "Explosive"* means a material subject to regulation as an explosive pursuant to NRS 459.3816.~~

~~*(b) "Magazine" means any building, structure or device used for temporary or permanent storage of explosives.]~~ ***(Deleted by amendment.)***

Sec. 7. ~~[NRS 459.3819 is hereby amended to read as follows:~~

~~459.3819 1. The Division shall enter into cooperative agreements with state and local agencies to provide inspections of facilities where explosives are manufactured,~~ [or] ~~where an explosive is used, processed, handled, moved on-site or stored in relation to its manufacture~~ [.] ~~*or where records*~~

~~*made pursuant to NRS 476.010 are stored*. The Division shall schedule the inspections in such a manner as to provide an opportunity for participation by:~~

~~(a) A representative of the fire fighting agency that exercises jurisdiction over the facility;~~

~~(b) A representative of the law enforcement agency that exercises jurisdiction over the facility; and~~

~~(c) Representatives of the Division and any other state agency responsible for minimizing risks to persons and property posed by such facilities.~~

~~2. The owner or operator of such a facility shall make the facility available for the inspections required by this section at such times as are designated by the Division.~~

~~3. Any inspection of a facility conducted pursuant to this section is in addition to, and not in lieu of, any other inspection of the facility required or authorized by state statute or regulation, or local ordinance.~~

~~4. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.]~~ ***(Deleted by amendment.)***

Sec. 8. ~~[This act becomes effective upon passage and approval.]~~ ***(Deleted by amendment.)***

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

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

Amendment No. 13.

AN ACT relating to administrative procedure; eliminating the prohibition against the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license if the person does not have a direct financial interest in the grant, denial or renewal of the license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the admission of a person as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license if the person does not have a direct financial interest in the grant, denial or renewal of the license. (NRS 233B.127) Section 1 of this bill eliminates that prohibition.

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

Section 1. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, ~~[prior to]~~ ***before*** the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings ~~[shall]~~ ***must*** be promptly instituted and determined.

~~[4. Except as otherwise provided in this subsection, a person must not be admitted as a party to an administrative proceeding in a contested case involving the grant, denial or renewal of a license unless he demonstrates to the satisfaction of the presiding hearing officer that:~~

~~(a) His financial situation is likely to be maintained or to improve as a direct result of the grant or renewal of the license; or~~

~~(b) His financial situation is likely to deteriorate as a direct result of the denial of the license or refusal to renew the license.~~

~~➥ The provisions of this subsection do not preclude the admission, as a party, of any person who will participate in the administrative proceeding as the agent or legal representative of an agency.]~~

Sec. 2. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

➥ is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred; and

(c) Be filed within 30 days after service of the final decision of the agency.

➥ Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying

the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board **,** ~~[or of a final decision of an agency or hearing officer in a contested case involving the grant, denial or renewal of a license,]~~ the district court ~~[shall,]~~ ***may,*** on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

Sec. 3. This act becomes effective ~~[on July 1, 2007.]~~ **upon passage and approval.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 539.

AN ACT relating to weapons; prohibiting the possession of ~~[a dangerous knife]~~ **certain dangerous weapons** on the property of **the Nevada System of Higher Education or** a school ~~[, at an activity sponsored by a school or]~~ and in a school vehicle; prohibiting the possession of certain weapons at an activity sponsored by a school; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of certain weapons on the property of the Nevada System of Higher Education or a private or public school or while in a vehicle of a private or public school. (NRS 202.265) A person who possesses a prohibited weapon is guilty of a gross misdemeanor. Additionally, a person who commits a gross misdemeanor on the property of a private or public school, at an activity sponsored by a private or public school, on a school bus or at a bus stop must be punished by imprisonment in the county jail for not fewer than 15 days and may be punished by a fine of not more than $2,000. (NRS 193.1605)

This bill adds ~~[a "dangerous knife"]~~ **items** to the list of prohibited weapons and provides that a person must not carry or possess a prohibited weapon at an activity sponsored by a private or public school. **This bill further provides an exception for carrying a knife if necessary for an employee to perform his job or if the knife is provided for use in a class or as part of a program.**

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

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the Nevada System of Higher Education or a private or public school ~~[, at an activity sponsored by a private or public school]~~ or while in a vehicle of a private or public school:

(a) An explosive or incendiary device;

(b) A dirk, dagger **,** ~~[or]~~ switchblade knife ~~[,]~~ ***or dangerous knife;***

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) ***A sword;***

(f) An ax or hatchet;

(g) A machete;

(h) A pistol, revolver or other firearm ~~[.]~~ ***; or***

(i) Other deadly weapon.

2. ***Except as otherwise provided in this section, a pupil of a private or public school shall not carry or possess any of the items set forth in subsection 1 at an activity sponsored by a private or public school.***

3. Any person who violates subsection 1 ***or 2*** is guilty of a gross misdemeanor.

~~[3.]~~ ***4.*** This section does not prohibit the possession of a weapon listed in subsection 1 on the property of a private or public school by a:

(a) Peace officer;

(b) School security guard; or

(c) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school to carry or possess the weapon.

~~[4.]~~ ***5. This section does not prohibit the possession of a knife on the property of the Nevada System of Higher Education or a private or public school by:***

(a) An employee if a knife is necessary to perform the functions of his job.

(b) A student or pupil who is enrolled in a class or program in which a knife must be used if the knife is provided to the student or pupil for use in the class or as part of the program.

6. For the purposes of this section:

(a) ***"Dangerous knife" means a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.***

(b) "Firearm" includes:

(1) Any device used to mark the clothing of a person with paint or any other substance; and

(2) Any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

~~[(b)]~~ ***(c)*** "Nunchaku" has the meaning ascribed to it in NRS 202.350.

~~[(c)]~~ ***(d)*** "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(d)]~~ ***(e)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

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 he is on the premises of any public building.

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

(a) A public building that is located on the property of a public school or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to paragraph (c) of subsection ~~[3]~~ ***4*** of NRS 202.265.

(b) A public building 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, unless the permittee is not prohibited from carrying a concealed firearm while he 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 he 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 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 is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he 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. As used in this section, "public building" means any building or office space occupied by:

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

(b) 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. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 277.

SUMMARY—Requires the Department of Transportation ~~[and local governments to designate specific lanes on certain highways on]~~ **to erect advisory signs on certain highways designating the lane in** which certain larger vehicles ~~[must]~~ **should** travel. (BDR 43-762)

AN ACT relating to motor vehicles; requiring the ~~[designation of specific lanes on certain highways on which]~~ **Department of Transportation to erect advisory signs designating the lanes in which** certain larger vehicles ~~[must]~~ should travel; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Department of Transportation ~~[and the governing body of a local government to designate specific lanes on highways]~~ **to erect advisory signs on controlled-access facilities** within their jurisdiction **which have three or more lanes for traffic traveling in one direction** ~~[that have three or more lanes for traffic traveling in one direction upon]~~ **regarding the lanes in** which vehicles with a declared gross weight in excess of 26,000 pounds ~~[must]~~ **should** travel.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Transportation ~~[and the governing body of a local government shall:~~

~~(a) For each highway within its jurisdiction which has three or more lanes for traffic traveling in one direction, designate a specific lane or lanes on which vehicles with a declared gross weight in excess of 26,000 pounds must travel, unless the Department of Transportation or governing body determines that such a designation would not facilitate the safe and orderly movement of traffic; and~~

~~(b) Erect]~~ ***may erect advisory signs at reasonable intervals on*** ~~[the highway to give notice of those lanes.~~

~~2. Notwithstanding the designation of specific lanes for travel pursuant to subsection 1, the driver of a motor vehicle may drive in any lane if necessary:~~

~~(a) To prepare for a turn;~~

~~(b) To enter or exit a highway;~~

~~(c) To continue on the intended route; or~~

~~(d) To avoid a hazardous condition on the highway.~~

~~3. A person who violates the provisions of this section is guilty of a misdemeanor.]~~ ***any controlled-access facility within its jurisdiction which has three or more lanes for traffic traveling in one direction to advise operators of vehicles with a declared gross weight in excess of 26,000 pounds in which lanes they should travel.***

2. As used in this section, "controlled-access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement, or only a controlled right or easement of access, light, air or view, by reason of the fact that their property abuts upon the controlled-access facility or for any other reason.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 81.

SUMMARY—Revises notice requirements for a proposal to vacate certain rights-of-way or easements ***or to vacate or abandon certain streets***. (BDR 22-376)

AN ACT relating to land use planning; revising the notice requirements for proposals to vacate certain rights-of-way or easements; ***providing requirements for notice to certain public utilities and television companies regarding proposals to abandon or vacate certain streets; requiring cities and counties to reserve and convey certain easements;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill changes the method by which a city or county that proposes to vacate a right-of-way or easement owned by the city or county ~~[that]~~ ***, which right-of-way or easement*** is required for a public purpose ~~[is required to]~~ ***, must*** notify each owner of property abutting the proposed abandonment ***.*** ~~[from certified mail to: (1) if a right-of-way is proposed to be vacated, by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient; or (2) if an easement is proposed to be vacated, by first-class mail.]~~ ***This bill requires such notice to be made in a manner that provides confirmation of delivery but does not require the signature of the recipient.*** (NRS 278.480) ***This bill also requires a city or county to provide notice to certain public utilities and community antenna television companies before vacating or abandoning a street, and to reserve and convey an easement to the utility or television company if the utility or television company so requests. (NRS 278.480)***

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

Section 1. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in subsection 11, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement

may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

(a) The governing body; or

(b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,

➥ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in subsection 3, if any right-of-way ***held in fee*** or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall ~~[notify by certified mail]~~ ~~[:]~~ ***, not less than 10 business days before the public hearing described in subsection 5:***

(a) Notify each owner of property abutting the proposed abandonment **.** ~~[and cause]~~ ***Such notice must be provided*** ~~[:~~

~~(1) If a right-of-way is proposed to be vacated,]~~ ***by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient .*** ~~[; or~~

~~(2) If an easement is proposed to be vacated, by first-class mail.]~~

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing **.** ~~[, which must be not less than 10 days and not more than 40 days after the date the notice is first published.]~~

5. Except as ***otherwise*** provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. ~~[If a utility has an easement over the property,]~~ ***In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street,*** the governing body ~~[,]~~ ***of the local government having jurisdiction over the street,*** or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide ~~[in its order for the continuation of that easement.]~~ ***each public utility and community antenna television company serving the affected***

area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or community antenna television company, as applicable, shall respond in writing, indicating either that the public utility or community antenna television company, as applicable, does not require an easement or that the public utility or community antenna television company, as applicable, wishes to request the reservation of an easement. If a public utility or community antenna television company indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or community antenna television company, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city ~~[, the county or any public utility.]~~ ***or county.***

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

12. As used in this section ~~[, "government]~~ **:**

(a) "Community antenna television company" has the meaning ascribed to it in NRS 711.030.

(b) "Government patent easement" means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.

(c) "Public utility" has the meaning ascribed to it in NRS 360.815.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 129.

SUMMARY—Revises provisions governing **the** transportation of pupils by **certain** private schools. (BDR 58-1190)

AN ACT relating to motor carriers; exempting **the** transportation ~~[by a private school]~~ of persons or property in connection with the operation of ~~[the school]~~ **certain private schools** or related school activities from certain provisions governing motor carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and licensing of motor carriers. (NRS 706.011-706.791) Current exemptions from such provisions are, without limitation, provided for: (1) a contractor transporting his own equipment from job to job; (2) a person transporting his own personal effects; (3) special mobile equipment such as forklifts, road construction and maintenance machinery and earth-moving equipment; (4) vehicles used in the production of motion pictures and films; (5) a private motor carrier of property used for conventions, shows or sporting events; and (6) a private motor carrier of property used for livestock shows and sales. (NRS 706.736)

However, the exemptions do not extend to certain provisions concerning the safety of drivers and vehicles. (NRS 706.736) This bill provides a similar exemption from the provisions of NRS ~~[706.011-706.791]~~ **706.011 to 706.791, inclusive,** for the transportation by ~~[a private school]~~ **certain private schools** of persons or property in connection with the operation of the school or related school activities ~~[.]~~ **under certain circumstances.**

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

Section 1. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities ~~[.]~~ ***, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.***

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 224.

AN ACT relating to health care; requiring the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care on his Internet website; establishing the requirements to register an advance directive and to obtain access to an advance directive in the Registry; providing civil and criminal immunity to providers of health care and the Secretary of State, his deputies, employees and attorneys under certain circumstances; requiring the Secretary of State to conduct an interim study of the Registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may provide an advance directive concerning his health care in the form of a declaration governing the withholding or withdrawal of life-sustaining treatment, a durable power of attorney for health care decisions or a do-not-resuscitate order. (NRS 449.535-449.690, 449.800-449.860, 450B.420)

Section 6 of this bill requires the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care by posting a digital photograph of each advance directive to a secure portion of his Internet website.

Section 7 of this bill establishes the procedures that a person must follow to register his advance directive with the Secretary of State and obtain the registration number and password that are needed to access his advance directive in the registry.

Section 8 of this bill requires any person requesting access to an advance directive in the Registry to provide the correct registration number and password. Section 8 also restricts access to a person's advance directive in the Registry to the registrant and his personal representative or provider of health care unless: (1) the registrant requests that another person be granted access; (2) the Secretary of State determines that the access is in the registrant's best interest; or (3) the access is necessary to comply with a court order.

Section 10 of this bill provides that the Secretary of State is not required to determine whether an advance directive is accurate or valid before posting it to the Registry and clarifies that the validity of an advance directive or a revocation of an advance directive is not affected by posting or failing to post the advance directive to the Registry.

Sections 11 and 12 of this bill provide civil and criminal immunity for providers of health care and the Secretary of State, his deputies, employees and attorneys in connection with the Registry if they act in good faith.

Section 13 of this bill authorizes the Secretary of State to charge fees and accept contributions to establish and maintain the Registry.

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 the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 15, 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. ***"Advance directive" means an advance directive for health care. The term includes:***

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care decisions as set forth in NRS 449.800 to 449.860, inclusive; and

3. A do-not-resuscitate order as defined in NRS 450B.420.

Sec. 4. ***"Registrant" means a person whose advance directive is registered with the Secretary of State pursuant to section 7 of this act.***

Sec. 5. ***"Registry" means the Registry of Advance Directives for Health Care established by the Secretary of State pursuant to section 6 of this act.***

Sec. 6. ***The Secretary of State shall establish and maintain the Registry of Advance Directives for Health Care on his Internet website. The Registry must include, without limitation*** [:

~~1. In a publicly accessible portion of the website, the name of each registrant; and~~

~~2. In~~] ***, in a secure portion of the website, an electronic reproduction of each advance directive. The electronic reproduction must be capable of being viewed on the website and downloaded, printed or otherwise retrieved by a person as set forth in section 8 of this act.***

Sec. 7. ***1. A person who wishes to register an advance directive must submit to the Secretary of State:***

(a) An application in the form prescribed by the Secretary of State;

(b) A copy of the advance directive; and

(c) The fee, if any, established by the Secretary of State pursuant to section 13 of this act.

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the advance directive and post it to the Registry;

(b) Assign a registration number and password to the registrant; and

(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.

3. The Secretary of State shall establish procedures for:

(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;

(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.

Sec. 8. ***1. Except as otherwise provided in this section, the Secretary of State shall not provide access to a registrant's advance directive unless:***

(a) The person requesting access provides the registration number and password of the registrant;

(b) The Secretary of State determines that providing access to the advance directive is in the best interest of the registrant;

(c) Access to the advance directive is required pursuant to the lawful order of a court of competent jurisdiction; or

(d) Access to the advance directive is requested by the registrant or his personal representative.

2. A registrant or the personal representative of a registrant may access the registrant's advance directive for any purpose. A provider of health care to the registrant may access the registrant's advance directive only in connection with the provision of health care to the registrant.

Sec. 9. ***The Secretary of State shall remove from the Registry the advance directives of deceased registrants. The State Registrar of Vital***

Statistics shall cooperate with the Secretary of State to identify registrants whose advance directives must be removed from the Registry. The Secretary of State shall remove from the Registry the advance directives of deceased registrants at least once every 5 years.

Sec. 10. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require the Secretary of State to determine whether the contents of an advance directive submitted for registration are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.***

2. The registration of an advance directive does not establish or create a presumption that the contents of the advance directive are accurate or the execution or issuance of the advance directive complies with the requirements necessary to make the advance directive valid.

3. Failure to register an advance directive does not affect the validity of the advance directive.

4. Failure to notify the Secretary of State of the revocation of a registrant's advance directive does not affect the validity of the revocation.

Sec. 11. ***1. The provisions of sections 2 to 15, inclusive, of this act do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.***

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care decisions executed pursuant to NRS 449.800 to 449.860, inclusive; or

(b) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 12. ***The Secretary of State and the deputies, employees and attorneys of the Secretary of State are not liable for any action or omission made in good faith by the Secretary of State, deputy, employee or attorney in carrying out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 13. ***The Secretary of State may charge and collect fees and accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 14. ***1. All money received by the Secretary of State pursuant to sections 2 to 15, inclusive, of this act must be:***

(a) Deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Used only for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act.

2. The Secretary of State shall administer the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

3. The money in the account does not lapse to the State General Fund at the end of any fiscal year.

4. Claims against the account must be paid as other claims against the State are paid.

Sec. 15. ***The Secretary of State may adopt regulations to carry out the provisions of sections 2 to 15, inclusive, of this act.***

Sec. 16. 1. The Secretary of State shall conduct a study of the Registry of Advance Directives for Health Care.

2. In conducting the study pursuant to subsection 1, the Secretary of State shall work in consultation with and solicit advice and recommendations from the Nevada Center for Ethics and Health Policy of the University of Nevada, Reno.

3. The Secretary of State shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2007, for all other purposes.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 299.

AN ACT relating to victims of crime; prohibiting an adverse party named in an extended order for protection against domestic violence from ~~[owning,]~~ possessing or having under his custody or control a firearm; making various changes to provisions regarding orders for protection against domestic violence; expanding the persons against whom domestic violence may be committed; revising provisions regarding the testing of certain persons accused of committing certain crimes for exposure to the human immunodeficiency virus and commonly contracted sexually transmitted diseases; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) Existing law authorizes a court to issue a temporary or extended order for

protection to protect a person listed in that statute from domestic violence. (NRS 33.020, 33.030) Section ~~[3]~~ **5** of this bill expands the list of persons against whom domestic violence may be committed to include a person who has been appointed the custodian or legal guardian of a child.

~~[Section 1 of this bill makes it a gross misdemeanor for an adverse party who is named in an extended order for protection against domestic violence to own, possess or have under his custody or control any firearm while the order is in effect.]~~ Section ~~[4]~~ **2** of this bill ~~[requires]~~ **authorizes** the court, when issuing an extended order, to ~~[order]~~ **include a requirement that** the adverse party ~~[to]~~ surrender any firearms ~~[owned]~~ **possessed** by him ~~[and requires the court to include a statement in the order informing the adverse party of the penalty for having a firearm while the order is in effect. (NRS 33.030) Section 4 further authorizes a court, when granting a temporary order for protection, to provide for the care of an animal.]~~ **or under his custody or control and that he not possess or have under his custody or control any firearm while the order is in effect. Section 2 requires the court to consider certain factors in deciding whether to include such provisions in an extended order and provides for a limited exception that may be granted if the adverse party can establish that the use or possession of a firearm is an integral part of his employment and that the employer will provide for the storage of any such firearm during any period that the adverse party is not working. Section 3 of this bill establishes the procedures governing the surrender, sale or transfer of any firearm possessed or under the custody or control of an adverse party subject to such an extended order. Section 2 makes it a gross misdemeanor for an adverse party to violate those provisions of an extended order.**

Section ~~[4 also]~~ **6 of this bill** authorizes a court, when granting an extended order, to provide for the support of a minor child for whom a guardian has been appointed or who has been placed in protective custody and to pay compensation to the applicant for lost earnings and expenses ~~[related to personal injury and damage to property that resulted from the domestic violence.]~~ **incurred by the applicant in attending any hearing concerning an application for an extended order. (NRS 33.030)**

Section ~~[5]~~ 7 of this bill requires a law enforcement officer to inform an adverse party who violates an order for protection against domestic violence of the date and time set for a hearing on an application for an extended order in certain circumstances. (NRS 33.070)

Existing federal law requires, as a condition to receiving certain federal grants, that states provide by law for certain procedures concerning the testing of a defendant who is arrested for certain crimes involving sexual conduct. (42 U.S.C. § 3796hh(d)) Section ~~[7]~~ **9** of this bill revises the procedures for testing certain alleged criminals who commit a sexual assault and victims of sexual assault for the human immunodeficiency virus and other commonly contracted sexually transmitted diseases to comply with those federal requirements. (NRS 441A.320)

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. ~~[An adverse party who is named in an extended order shall not own or have in his possession or under his custody or control any firearm while the order is in effect.]~~ ***A court may include in an extended order issued pursuant to NRS 33.030:***

(a) A requirement that the adverse party surrender, sell or transfer any firearm in his possession or under his custody or control in the manner set forth in section 3 of this act; and

(b) A prohibition on the adverse party against possessing or having under his custody or control any firearm while the order is in effect.

2. ~~[A person who violates the provisions of this section is guilty of a gross misdemeanor.]~~ ***In determining whether to include the provisions set forth in subsection 1 in an extended order, the court must consider, without limitation, whether the adverse party:***

(a) Has a documented history of domestic violence;

(b) Has used or threatened to use a firearm to injure or harass the applicant, a minor child or any other person; and

(c) Has used a firearm in the commission or attempted commission of any crime.

3. If a court includes the provisions set forth in subsection 1 in an extended order, the court may include a limited exception from the prohibition to possess or have under his custody or control any firearm if the adverse party establishes that:

(a) The adverse party is employed by an employer who requires the adverse party to use or possess a firearm as an integral part of his employment; and

(b) The employer will provide for the storage of any such firearm during any period when the adverse party is not working.

4. An adverse party who violates any provision included in an extended order pursuant to this section concerning the surrender, sale, transfer, possession, custody or control of a firearm is guilty of a gross misdemeanor. If the court includes any such provision in an extended order, the court must include in the order a statement that violation of such a provision in the order is a gross misdemeanor.

Sec. 3. 1. If a court orders an adverse party to surrender any firearm pursuant to section 2 of this act, the adverse party shall, not later than 24 hours after service of the order:

(a) Surrender any firearm in his possession or under his custody or control to the appropriate local law enforcement agency designated by the court in the order;

(b) Surrender any firearm in his possession or under his custody or control to a person designated by the court in the order; or

(c) Sell or transfer any firearm in his possession or under his custody or control to a licensed firearm dealer.

2. If the court orders the adverse party to surrender any firearm to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than 72 hours after surrendering any such firearm, provide the receipt to the court.

3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 48 hours after he surrenders any firearm to such person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered to such person.

4. If the adverse party sells or transfers any firearm to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the adverse party shall, not later than 72 hours after such sale or transfer, provide to the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.

5. A local law enforcement agency may charge and collect a fee from the adverse party for the collection and storage of a firearm pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency to provide the service.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and*** ~~[section 1]~~ ***sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons ***,*** ~~[or]~~ his minor child ~~[.]~~ ***or any person who has been appointed the custodian or legal guardian for his minor child:***

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(f) A false imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order him to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant; and

(e) ~~[Order either party to take care of an animal that has been kept as a pet by either of them or by the minor child of either of them; and~~

~~(f)]~~ Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary; and

(b) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence ~~[or pay]~~ ***;***

(3) Pay for the support of the applicant or minor child ***, including, without limitation, support of a minor child for whom a guardian has been***

appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if he is found to have a duty to support the applicant or minor child; ~~[and~~

~~(3)]~~ ***(4)*** Pay all costs and fees incurred by the applicant in bringing the action ~~[.]~~ ***; and***

(5) Pay monetary compensation to the applicant for lost earnings and expenses ~~[related to personal injury and damage to property that resulted from the domestic violence.]~~ ***incurred as a result of the applicant attending any hearing concerning an application for an extended order.***

3. ~~[The court shall include in any extended order a requirement that the adverse party surrender to the court any firearm owned by him and shall include a statement informing the adverse party that pursuant to section 1 of this act, he is prohibited from owning, possessing or having under his custody or control any firearm while the order is in effect and that violation of that prohibition is a gross misdemeanor.~~

~~4.]~~ If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. ~~[5.]~~ A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. ~~[6.]~~ A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 33.070 is hereby amended to read as follows:

33.070 1. Every temporary or extended order must include a provision ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. The law enforcement officer may make an arrest with or without a warrant and regardless of whether the violation occurs in his presence.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and order, he shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that he now has notice of the provisions of the order and that a violation of the order will result in his arrest; ~~[and]~~

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order ~~[.]~~ ***; and***

(d) Inform the adverse party of the date and time set for a hearing on an application for an extended order, if any.

3. Information concerning the terms and conditions of the order, the date and time of the notice provided to the adverse party and the name and identifying number of the officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection ~~[2]~~ ***4*** of NRS 441A.320 or NRS 629.069.

8. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

10. If the disclosure is authorized or required by specific statute.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 441A.320 is hereby amended to read as follows:

441A.320 1. ~~[As soon as practicable after:~~

~~(a) A person is arrested for the commission of a crime; or~~

~~(b) A minor is detained for the commission of an act which, if committed by a person other than a minor would have constituted a crime,~~

~~➥ which]~~ ***If*** the ***alleged*** victim or a witness ***to a crime*** alleges ***that the crime*** involved the sexual penetration of the victim's body, the health authority shall ***perform the tests set forth in subsection 2 as soon as practicable after the arrest of the person alleged to have committed the crime, but not later***

than 48 hours after the person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and then not later than 48 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act.

2. If the health authority is required to perform tests pursuant to subsection 1, it must test a specimen obtained from the arrested person ~~[or detained minor]~~ for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease, regardless of whether he or, if ~~[a detained minor,]~~ ***the person is a child,*** his parent or guardian consents to providing the specimen. The agency that has custody of the arrested person ~~[or detained minor]~~ shall obtain the specimen and submit it to the health authority for testing. The health authority shall perform the test in accordance with generally accepted medical practices.

~~[2. The]~~

3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up tests for the human immunodeficiency virus as may be deemed medically appropriate.

4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection ~~[1]~~ ***2 or 3*** to:

(a) The victim or to the victim's parent or guardian if the victim is a ~~[minor;]~~ ***child;*** and

(b) The arrested person and, if ~~[a minor is detained,]~~ ***the person is a child,*** to his parent or guardian.

~~[3.]~~ ***5.*** If the health authority determines, from the results of a test performed pursuant to subsection ~~[1,]~~ ***2 or 3,*** that a victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him with:

(a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed;

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed; and

(c) A referral for health care and other assistance,

➥ as appropriate.

~~[4.]~~ ***6.*** If the court in:

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to title 5 of NRS determines that a ~~[minor]~~ ***child*** has committed an act which, if committed by ~~[a person other than a minor,]~~ ***an adult,*** would have constituted a crime,

➥ involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that ~~[minor]~~ ***child*** or other person to

pay any expenses incurred in carrying out this section with regard to that ~~[minor]~~ ***child*** or other person and that victim.

~~[5.]~~ ***7.*** The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

~~[6.]~~ ***8.*** As used in this section:

(a) "Sexual assault" means a violation of NRS 200.366.

(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 218.

Bill read second time.

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

Amendment No. 174.

AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the temporary disqualification of certain contractors from being awarded contracts for public works; **requiring the Labor Commissioner to adopt certain regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages to mechanics and workmen employed on a public works project. (NRS 338.010-338.090) Such provisions are also applied by reference to other state and local construction and improvement projects. (NRS 244.286, 244A.763, 268.568, 271.710, 271.800, 271A.130, 278C.240, 279.500, 349.670, 349.956, 543.545)

Existing law provides that, as used in chapter 338 of NRS, an "offense" means failing to pay the prevailing wage, failing to pay contributions for unemployment compensation, failing to provide and secure industrial insurance compensation or failing to comply with certain recordkeeping requirements. (NRS 338.010) Section 1 of this bill clarifies that each instance

of the failure to pay one or more workmen the prevailing wage on a public work constitutes an offense.

Under existing law, the Labor Commissioner is required to enforce certain provisions of chapter 338 of NRS and if a person violates those provisions, the Labor Commissioner is required to report the violation to the Attorney General and is authorized to impose administrative penalties for the violation. (NRS 338.015) Section 2 of this bill clarifies that the Labor Commissioner is required to report the commission of an "offense" to the Attorney General and is authorized to impose administrative penalties for the commission of an "offense." (NRS 338.010, 338.015)

Existing law provides that if an administrative penalty is imposed against a person for the commission of an "offense," the person and any corporate officers of the person are prohibited from receiving a contract for a public work for a period of 3 years, if the offense is a first offense, and for a period of 5 years, if the offense is a second or subsequent offense. (NRS 338.010, 338.017) Section 3 of this bill graduates the periods of temporary disqualification following the imposition of an administrative penalty as follows: (1) at least 6 months but not more than 1 year for a first offense; (2) at least 1 year but not more than 3 years for a second offense; (3) at least 3 years but not more than 5 years for a third offense; and (4) at least 5 years for a fourth or subsequent offense. Also, the Labor Commissioner has discretion to temporarily disqualify a person for a first offense, but must disqualify a person for second and subsequent offenses. **The Labor Commissioner is required to adopt by regulation criteria to determine whether the commission of an offense counts toward the cumulative offenses and corresponding penalties.**

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a

workman or workmen employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

9. "General contractor" means a person who is licensed to conduct business in one ~~[,]~~ or both ~~[,]~~ of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

12. "Offense" means ***:*** ~~[failing to:]~~

(a) ~~[Pay]~~ ***Each instance of failing to pay*** the prevailing wage required pursuant to this chapter ~~[;]~~ ***to one or more workmen on a public work; or***

(b) ***Failing to:***

(1) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

~~[(c)]~~ ***(2)*** Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

~~[(d)]~~ ***(3)*** Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

16. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

17. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

18. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

19. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

20. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

22. "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, ***commits an offense or*** violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such ***offense or*** violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the ***offense or*** violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the ***offense or*** violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. NRS 338.017 is hereby amended to read as follows:

338.017 ***1.*** If any administrative penalty is imposed against a person for the commission of ~~[an offense:~~

~~1. That]~~ ***:***

(a) A first offense, the Labor Commissioner may prohibit that person, and the corporate officers, if any, of that person, ~~[may not be]~~ ***from being*** awarded a contract for a public work ~~[:~~

~~(a) For the first offense,]~~ ***by a public body*** for a period of ~~[3 years after the date of the imposition of the administrative penalty; and~~

~~(b) For the second or subsequent offense,]~~ ***at least 6 months but not more than 1 year.***

(b) A second offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of ***at least 1 year but not more than 3 years.***

(c) A third offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of at least 3 years but not more than 5 years ***.*** ~~[after the date of the imposition of the administrative penalty.]~~

(d) A fourth or subsequent offense, the Labor Commissioner shall prohibit that person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for a period of at least 5 years.

2. The Labor Commissioner shall notify the State Contractors' Board ***, and every public body,*** of each contractor who is prohibited from being awarded a contract for a public work pursuant to this section.

3. ~~[Whether]~~ ***Except as otherwise provided in regulations adopted by the Labor Commissioner pursuant to subsection 4, whether or not the Labor Commissioner:***

(a) Imposes an administrative penalty against a person pursuant to NRS 338.015 for the commission of an offense; or

(b) Prohibits a person, and the corporate officers, if any, of that person, from being awarded a contract for a public work by a public body for the commission of a first offense pursuant to paragraph (a) of subsection 1,

➥ the commission of an offense counts toward the cumulative offenses and corresponding penalties set forth in paragraphs (b), (c) and (d) of subsection 1.

4. The Labor Commissioner shall by regulation adopt criteria to determine whether the commission of an offense counts toward the cumulative offenses and corresponding penalties set forth in paragraphs (b), (c) and (d) of subsection 1. The criteria so adopted must:

(a) Distinguish between offenses of different levels of severity; and

(b) Recognize that when a person commits an offense deliberately, knowingly, intentionally or willfully, such an act involves a degree of culpability which is greater than that involved when a person commits an offense negligently, inadvertently or through clerical error.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

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

Amendment No. 280.

AN ACT relating to energy; placing the Task Force for Renewable Energy and Energy Conservation in the Office of Energy within the Office of the Governor; requiring the Director of the Office of Energy to employ a Deputy Director for Renewable Energy and Energy Conservation; requiring an energy audit of certain public buildings; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that an energy audit be conducted on any public building of a local government, the State of Nevada and the Nevada System of Higher Education that is constructed on or after July 1, 2007. Section 2 of this bill requires the Director of the Office of Energy within the Office of the Governor to employ a Deputy Director for Renewable Energy and Energy Conservation. Section 3 of this bill places the Task Force for Renewable Energy and Energy Conservation in the Office of Energy ~~[.]~~ **and revises its membership.** Section 4 of this bill requires that an energy audit be conducted ~~[not later than July 1, 2008, on any public building]~~ **on certain public buildings** existing before July 1, 2007, of a local government, the State of Nevada and the Nevada System of Higher Education. Section 5 of this bill makes an appropriation to the Office of Energy in the sum of

$125,000 to pay the salary and other expenses relating to the position of Deputy Director for Renewable Energy and Energy Conservation.

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each person who is responsible for the operation of a public building of a local government, the State of Nevada or the Nevada System of Higher Education that is constructed on or after July 1, 2007, shall cause an energy audit of the building to be conducted not ~~[earlier than 6 months and not]~~ ***later than*** ~~[1 year]~~ ***5 years after the building is occupied. A copy of the energy audit must be submitted to the Director not later than 90 days after the audit is completed.***

2. An energy audit required by this section must:

(a) Include, without limitation:

(1) An assessment of the feasibility of implementing any measure which will reduce the consumption of energy in the building;

(2) An estimate of the costs to implement any measure described in subparagraph (1);

(3) A comparison of the energy consumption in the building to the energy consumption in similar buildings; and

(4) A report that compares the current pattern of the costs associated with the energy consumption in the building and any related labor costs to the projected costs if those measures were implemented; and

(b) Be based on:

(1) A review and analysis of the history of the energy usage of the building; and

(2) Surveys, plans, specifications or drawings that provide details of the structure or design of the building.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

Sec. 2. NRS 701.150 is hereby amended to read as follows:

701.150 1. The Office of Energy is hereby created within the Office of the Governor.

2. The Governor shall appoint the Director. The Director:

(a) Is in the unclassified service of the State; and

(b) Serves at the pleasure of the Governor.

3. ***The Director shall employ a Deputy Director for Renewable Energy and Energy Conservation who is in the unclassified service of the State.***

4. The Director may, within the limits of available money, employ:

(a) Such persons in the unclassified service of the State as the Director determines to be necessary to carry out the duties of the Office of Energy pursuant to this chapter; and

(b) Such additional personnel as may be required to carry out the duties of the Office of Energy pursuant to this chapter, who must be in the classified service of the State.

~~[4.]~~ ***5.*** A person employed by the Director pursuant to this section must be qualified by training and experience to perform the duties for which the Director employs him.

~~[5.]~~ ***6.*** The Director and the persons employed by the Director shall not have any conflict of interest relating to the performance of their duties pursuant to this chapter.

~~[6.]~~ ***7.*** The provisions of NRS 223.085 do not apply to the Director or to any person employed by the Director pursuant to this section.

Sec. 3. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created ~~[.]~~ ***in the Office of Energy.*** The Task Force consists of ~~[11]~~ ***15*** members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Senate ~~[to represent]~~ ***, one of whom represents the interests of the natural gas industry in this State and one of whom represents*** the interests of the renewable energy industry in this State with respect to solar energy.

(d) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this State.

(e) ~~[Two members]~~ ***One member*** appointed by the Governor ~~[, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents]~~ ***to represent*** the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its

successor organization or, if there is no successor organization, by the Governor.

(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.

(i) Two members appointed jointly by the United States Senators of this State.

(j) One member appointed by the Governor to represent the interests of public utilities that purchase natural gas for resale in this State.

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

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

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

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

Sec. 4. 1. Each person who is responsible for the operation of a public building existing before July 1, 2007, of a local government, the State of Nevada or the Nevada System of Higher Education shall cause an energy audit of the building to be conducted ~~[not earlier than 6 months after the building was first occupied and not later than July 1, 2008.]~~ **by that governmental entity, a consultant or a public utility in accordance with a plan prepared by the governmental entity which is submitted to the Office of Energy within the Office of the Governor and posted on the**

Internet website of the Office of Energy. Except as otherwise provided in subsections 3, 4 and 5, the energy audit must be completed not later than:

(a) July 1, 2010, if the energy audit is conducted on a public building of a local government in a county whose population is less than 100,000;

(b) July 1, 2012, if the energy audit is conducted on a public building of a local government in a county whose population is 100,000 or more; and

(c) July 1, 2010, if the energy audit is conducted on a public building of the State of Nevada or the Nevada System of Higher Education.

➥ A copy of the energy audit must be submitted to the Director of the Office of Energy ~~[within the Office of the Governor]~~ not later than 90 days after the audit is completed.

2. An energy audit required by this section must:

(a) Include, without limitation:

(1) An assessment of the feasibility of implementing any measure which will reduce the consumption of energy in the building;

(2) An estimate of the costs to implement any measure described in subparagraph (1);

(3) A comparison of the energy consumption in the building to the energy consumption in similar buildings; and

(4) A report that compares the current pattern of the costs associated with the energy consumption in the building and any related labor costs to the projected costs if those measures were implemented; and

(b) Be based on:

(1) A review and analysis of the history of the energy usage of the building; and

(2) Surveys, plans, specifications or drawings that provide details of the structure or design of the building.

3. The plan prepared by a governmental entity pursuant to subsection 1 must begin with the oldest building and be updated annually to incorporate the results of the audits that have been completed. If a governmental entity fails to submit its plan on or before July 1, 2008, the governmental entity shall conduct all the audits that it is required to conduct pursuant to this section and submit a report concerning the results of those audits to the Office of Energy for transmittal to the Legislature not later than February 2, 2009.

4. A public building that is certified at or meets the equivalent of the silver level or higher of the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, if such a system is adopted for public buildings by the Director of the Office of Energy pursuant to NRS 701.217, is exempt from the provisions of this section until July 1, 2017. Upon the expiration of the exemption, the deadline for:

(a) The energy audit of the public building pursuant to subsection 1 must be determined by adding 10 years to the applicable deadline set forth in subsection 1;

(b) The submission of a plan pursuant to subsection 3 is July 1, 2018; and

(c) The submission of a report pursuant to subsection 3 is February 2, 2019.

5. A public building that, in a facilities plan approved by a governmental entity before July 1, 2008, has been identified for disposal before July 1, 2013, is exempt from the provisions of this section, except that, if the public building is not disposed of in accordance with the approved facilities plan, the responsible governmental entity shall complete the energy audit of the public building required by subsection 1 not later than September 1, 2013, and submit a report concerning the results of the audit to the Office of Energy not later than 90 days after the completion of the audit.

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

(a) "Disposal" means demolition or transfer from public ownership.

(b) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

Sec. 5. There is hereby appropriated from the State General Fund to the Office of Energy **within the Office of the Governor** the sum of $125,000 to pay the salary and other expenses relating to the position of Deputy Director for Renewable Energy and Energy Conservation created in NRS 701.150, as amended by section 2 of this act.

Sec. 6. Any remaining balance of the appropriation made by section 5 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 7. **1. Notwithstanding the provisions of subsection 3 of NRS 701.350, the term of the member of the Task Force for Renewable Energy and Energy Conservation appointed by the Governor pursuant to paragraph (e) of subsection 1 of NRS 701.350 to represent the**

interests of the renewable energy industry in this State with respect to wind expires on July 1, 2007.

2. The appointments of additional members to the Task Force for Renewable Energy and Energy Conservation required by NRS 701.350, as amended by section 3 of this act, must be made as soon as practicable on or after July 1, 2007.

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

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

Amendment No. 158.

AN ACT relating to mental health; increasing the number of members of the Commission on Mental Health and Developmental Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Mental Health and Developmental Services in the Department of Health and Human Services consists of nine members appointed by the Governor. (NRS 232.361) This bill increases the number of members on the Commission to 10 members and requires that the additional member have knowledge and experience in the prevention ~~[or]~~ **and** treatment of alcohol and drug abuse. The Governor is required to appoint the additional member from a list of three candidates submitted by the Division of Mental Health and Developmental Services of the Department.

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

Section 1. NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Mental Health and Developmental Services consisting of ~~[nine]~~ ***10*** members appointed by the Governor, at least ~~[three]~~ ***3*** of whom have training or experience in dealing with mental retardation.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada State Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with mental retardation, from a list of three candidates submitted by the Nevada State Medical Association;

(d) A social worker who has a master's degree and has experience in dealing with mental illness or mental retardation, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or mental retardation, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist licensed to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;

(g) ***A person who has knowledge and experience in the prevention of alcohol and drug abuse*** ~~[or]~~ ***and the treatment and recovery of alcohol and drug abusers through a program or service provided pursuant to chapter 458 of NRS, from a list of three candidates submitted by the Division of Mental Health and Developmental Services of the Department;***

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

~~[(h)]~~ ***(i)*** A representative of the general public who has a special interest in the field of mental health; and

~~[(i)]~~ ***(j)*** A representative of the general public who has a special interest in the field of mental retardation.

3. The Governor shall appoint the Chairman of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

Sec. 2. 1. As soon as practicable after July 1, 2007, but before September 1, 2007, the Division of Mental Health and Developmental Services of the Department of Health and Human Services shall submit to the Governor a list of three candidates for appointment to the Commission on Mental Health and Developmental Services in accordance with paragraph (g) of subsection 2 of NRS 232.361.

2. On or before October 1, 2007, the Governor shall appoint from the list of candidates submitted by the Division pursuant to subsection 1 the member of the Commission described in paragraph (g) of subsection 2 of NRS 232.361 to an initial term of 4 years commencing on October 1, 2007.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

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 Taxation:

Amendment No. 219.

AN ACT relating to taxation; allowing the Department of Taxation to refrain from taking any action to collect unpaid sales and use taxes due from a person if the cost of that action would exceed the total amount due; revising the provisions governing the reporting and payment period for those taxes and the maximum amount which may be required as security for the payment of those taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition and administration of sales and use taxes pursuant to the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 372 and 374 of NRS) Section 1 of this bill authorizes the Department of Taxation to refrain from taking any action to collect any unpaid sales or use taxes due from a person if the cost of that action would exceed the total amount due, including any applicable interest and penalties.

Existing law provides for the filing of sales and use tax returns on a quarterly basis from taxpayers whose taxable sales do not exceed $10,000 per month. (NRS 372.380, 374.385) Sections 2 and 4 of this bill allow such a taxpayer to file those returns on an annual basis if the taxpayer had no taxes due for the previous 3 calendar quarters or if the taxable sales did not exceed $1,500 for the previous 4 calendar quarters.

Existing law prescribes the maximum amount of security for the payment of sales and use taxes which the Department of Taxation may require from taxpayers who file tax returns for quarterly periods or for monthly periods. (NRS 372.510, 374.515) Sections 3 and 5 of this bill prescribe a proportionate maximum amount of security which may be required from taxpayers who are allowed to file tax returns on an annual basis.

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. Except as otherwise provided in this section or directed by the Nevada Tax Commission and notwithstanding any other provision of law, the Department is not required to take any action for the collection of any unpaid sales or use taxes for which a person may be liable if the Department determines that the cost of taking that action would exceed the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

2. The Nevada Tax Commission shall annually determine the average cost of collecting sales and use taxes in this State which must be used by the Department in making any determination pursuant to subsection 1.

3. This section does not:

(a) Affect the liability of any person for the payment of any taxes, interest or penalties; or

(b) Authorize the Department to refrain from taking any action for the collection of any unpaid sales or use taxes from a person when the Department determines that the cost of taking that action would be less than or equal to the total accumulated amount of all the unpaid sales and use taxes, and any applicable interest and penalties, for which that person is liable.

Sec. 2. NRS 372.380 is hereby amended to read as follows:

372.380 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 3. NRS 372.510 is hereby amended to read as follows:

372.510 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as ***otherwise*** provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In the case of persons who are habitually delinquent in their obligations under this chapter, the amount of the security may not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods ***,*** ~~[or]~~ five times the average actual tax due monthly of

persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations provided in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail ***.*** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 4. NRS 374.385 is hereby amended to read as follows:

374.385 1. Except as otherwise provided in ~~[subsection 2]~~ ***this section*** or required by the Department pursuant to NRS 360B.200, the reporting and payment period of ~~[a]~~ ***:***

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary ~~[in order to insure]~~ ***to ensure*** payment to or facilitate the collection by the county of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser as the case may be, or for other than monthly ***,*** ~~[or]~~ quarterly ***or annual*** periods.

Sec. 5. NRS 374.515 is hereby amended to read as follows:

374.515 1. The Department, whenever it deems it necessary to insure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The ***Department shall fix the*** amount of the security ~~[must be fixed by the Department but,]~~ ***which,*** except as ***otherwise*** provided in subsection 2, may

not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ three times the estimated average tax due monthly of persons filing returns for monthly periods ~~[,]~~ ***or four times the estimated average tax due annually of persons filing returns for annual periods,*** determined in such ***a*** manner as the Department deems proper.

2. In case of persons habitually delinquent in their obligations under this chapter, the amount of the security ~~[must]~~ ***may*** not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods **,** ~~[or]~~ five times the average actual tax due monthly of persons filing returns for monthly periods ~~[.]~~ ***or seven times the average actual tax due annually of persons filing returns for annual periods.***

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, ***or*** interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail **.** ~~[; if]~~ ***If the notice is served*** by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 216.

AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers that make donations to public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides for a reduction of the payroll tax of 2 percent that is imposed on financial institutions by NRS 363A.130. A financial institution that donates cash or property to a public school in this State may take a deduction for the donation that is equal to the fair market value of the donation, except that the deduction, when combined with all other deductions

and abatements applicable to the payroll tax, may not exceed 100 percent of the payroll tax that the financial institution would otherwise pay. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by a written appraisal.

Section 2 of this bill similarly provides for a reduction of the business tax of 0.63 percent that is imposed on other employers by NRS 363B.110. An employer that donates cash or property to a public school in this State may take a deduction for the donation that is equal to the fair market value of the donation, except that the deduction, when combined with all other deductions and abatements applicable to the business tax, may not exceed 100 percent of the business tax that the financial institution would otherwise pay. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by a written appraisal.

Section 3 of this bill makes the provisions of this bill expire by limitation on June 30, 2009.

WHEREAS, The formation of informal partnerships between businesses and the public schools in this State may be beneficial in providing additional funding and materials helpful in the educational process; and

WHEREAS, Such partnerships may improve the educational capacities of the public schools in this State by providing resources to complement the public funding of education, increasing access to new technology and providing greater opportunities for interested pupils through the provision of equipment for enhanced vocational training; and

WHEREAS, Such partnerships may benefit pupils by providing pupils with apprenticeship programs, tutoring and mentoring programs to improve academic and job skills, and college and vocational scholarships, thereby assisting pupils to make the transition to college or the workplace and improving their chances of success; and

WHEREAS, Such partnerships may result in the enhancement of the corporate images of such businesses locally, statewide and nationally, and reduce the costs to those businesses of recruiting and training qualified employees; and

WHEREAS, The provision of contributions of property to the public schools in this State would allow businesses to recycle useful, excess equipment and materials for the benefit of the public schools in an environmentally friendly way; and

WHEREAS, Businesses in this State should be encouraged to strengthen the connections between business and education in this State; and

WHEREAS, The Nevada Legislature finds and declares that it encourages the formation of such informal partnerships between businesses and public schools in this State; now, therefore,

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, an employer may, from the total amount of wages reported and upon which the excise tax is imposed by NRS 363A.130, deduct any amount donated by the employer to public schools in this State in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include donations of cash and property.

2. Donations of property must be valued based on the fair market value of the property on the date of the donation. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by the written appraisal of a qualified appraiser.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

4. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may not be carried forward to the following calendar quarter.

5. The deduction allowed pursuant to this section is in addition to any other deduction or abatement otherwise provided for by law with respect to the tax imposed by NRS 363A.130.

6. In no case may the amount of a deduction allowed pursuant to this section, when combined with all other deductions and abatements otherwise provided for by law with respect to the tax imposed by NRS 363A.130, exceed 100 percent of the taxes otherwise payable by the employer pursuant to NRS 363A.130.

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

(a) "Public schools" has the meaning ascribed to it in NRS 385.007.

(b) "Qualified appraiser" means a person who, on a written appraisal prepared by him, declares that he:

(1) Is aware that the appraisal is being made for the purposes of this section;

(2) Holds himself out to the public as an appraiser or performs appraisals on a regular basis;

(3) Is qualified to make appraisals of the type of property being valued; and

(4) To the best of his knowledge and belief, is not the donor of the property, an officer or employee of the donor, or related within the third degree of consanguinity or affinity to the donor or an officer or employee of the donor.

Sec. 2. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, an employer may, from the total amount of wages reported and upon which the excise tax is imposed by NRS 363B.110, deduct any amount donated by the employer to public schools in this State in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include donations of cash and property.

2. Donations of property must be valued based on the fair market value of the property on the date of the donation. If the deduction claimed for an item or group of similar items of donated property is more than $5,000, the deduction must be supported by the written appraisal of a qualified appraiser.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

4. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may not be carried forward to the following calendar quarter.

5. The deduction allowed pursuant to this section is in addition to any other deduction or abatement otherwise provided for by law with respect to the tax imposed by NRS 363B.110.

6. In no case may the amount of a deduction allowed pursuant to this section, when combined with all other deductions and abatements otherwise provided for by law with respect to the tax imposed by NRS 363B.110, exceed 100 percent of the taxes otherwise payable by the employer pursuant to NRS 363B.110.

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

(a) "Public schools" has the meaning ascribed to it in NRS 385.007.

(b) "Qualified appraiser" means a person who, on a written appraisal prepared by him, declares that he:

(1) Is aware that the appraisal is being made for the purposes of this section;

(2) Holds himself out to the public as an appraiser or performs appraisals on a regular basis;

(3) Is qualified to make appraisals of the type of property being valued; and

(4) To the best of his knowledge and belief, is not the donor of the property, an officer or employee of the donor, or related within the third degree of consanguinity or affinity to the donor or an officer or employee of the donor.

Sec. 3. This act becomes effective on July 1, 2007 ~~.~~ **, and expires by limitation on June 30, 2009.**

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 493.

SUMMARY—Authorizes deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain ~~[pension plans and]~~ apprenticeship programs. (BDR 32-883)

AN ACT relating to the taxation of businesses; authorizing deductions from the state taxes on financial institutions and other businesses for payments on behalf of employees to certain ~~[pension plans and]~~ apprenticeship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes excise taxes on financial institutions and other businesses based upon the amount of wages they pay to their employees each calendar quarter. (NRS 363A.130, 363B.110) Existing law authorizes deductions from these taxes for certain amounts paid for health insurance and health benefit plans for employees and their dependents. (NRS 363A.135, 363B.115)

This bill authorizes additional deductions from these taxes for amounts paid on behalf of employees to ~~[certain pension plans regulated under the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., and]~~ apprenticeship programs approved by the State Apprenticeship Council. This bill allows any unused amount of such a deduction to be carried forward each calendar quarter until exhausted and requires an employer who claims such a deduction to provide an explanation and appropriate documentation of the amount claimed upon the request of the Department of Taxation.

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*[1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount paid by the employer into a qualified pension plan for its employees in the calendar quarter for which the tax is paid.*~~

~~*2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130 any payments made by employees into*~~

~~*a qualified pension plan or amounts deducted from the wages of employees for a qualified pension plan.*~~

~~*3. As used in this section:*~~

~~*(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130.*~~

~~*(b) "Qualified pension plan" means an employee pension benefit plan that qualifies as a defined benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount paid by the employer on behalf of its employees to a qualified apprenticeship program in the calendar quarter for which the tax is paid.***

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130 any payments made by employees to a qualified apprenticeship program or amounts deducted from the wages of employees for a qualified apprenticeship program.

3. As used in this section:

(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130.

(b) "Qualified apprenticeship program" means an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

Sec. 4. ***1. If the amount of the deductions allowed pursuant to NRS 363A.135 and*** ~~[sections 2 and]~~ ***section 3 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.***

2. An employer claiming a deduction allowed pursuant to NRS 363A.135 or section ~~[2 or]~~ ***3 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 5. NRS 363A.135 is hereby amended to read as follows:

363A.135 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant NRS 363A.130 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or

aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. ~~[If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.~~

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

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 6. Chapter 363B of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. ~~*[1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount paid by the employer into a qualified pension plan for its employees in the calendar quarter for which the tax is paid.*~~

~~*2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110 any payments made by employees into a qualified pension plan or amounts deducted from the wages of employees for a qualified pension plan.*~~

~~*3. As used in this section:*~~

~~*(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110.*~~

~~*(b) "Qualified pension plan" means an employee pension benefit plan that qualifies as a defined benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]*~~ **(Deleted by amendment.)**

Sec. 8. ***1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the***

excise tax is imposed pursuant to NRS 363B.110 any amount paid by the employer on behalf of its employees to a qualified apprenticeship program in the calendar quarter for which the tax is paid.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110 any payments made by employees to a qualified apprenticeship program or amounts deducted from the wages of employees for a qualified apprenticeship program.

3. As used in this section:

(a) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110.

(b) "Qualified apprenticeship program" means an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

Sec. 9. ***1. If the amount of the deductions allowed pursuant to NRS 363B.115 and*** ~~[sections 7 and]~~ ***section 8 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.***

2. An employer claiming a deduction allowed pursuant to NRS 363B.115 or section ~~[7 or]~~ ***8 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 10. NRS 363B.115 is hereby amended to read as follows:

363B.115 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. ~~[If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.~~

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

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 11. This act becomes effective on July 1, 2007.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

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

Amendment No. 258.

AN ACT relating to impact fees; clarifying that the costs of construction for which a local government may impose impact fees include the cost of connecting a capital improvement or facility expansion to water and sewer lines and facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes local governments to impose by ordinance impact fees to pay the cost of constructing capital improvements and facility expansions required as the result of new development. (NRS 278B.160) This bill clarifies that the costs of construction for which impact fees may be imposed include the cost of connecting capital improvements and facility expansions to water and sewer lines and facilities.

Existing law defines "service area" for the purpose of provisions of law relating to impact fees as any area within a city or county that is served and benefited by capital improvements or facilities expansions set forth in a capital improvements plan. (NRS 278B.100) This bill alters that definition so that new development must necessitate the capital improvements or facility expansions for an area to be considered a service area. This bill also provides that a service area cannot be the entire area of a city or county, unless the city has a population of less than 10,000 (currently Caliente, Carlin, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca and Yerington) or the

county has a population of less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties).

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

Section 1. **NRS 278B.100 is hereby amended to read as follows:**

278B.100 "Service area" means ~~[the]~~ ***any specified*** area within the boundaries of ~~[the]~~ ***a*** local government ***in*** which ***new development necessitates capital improvements or facility expansions and within which new development*** is served ***directly*** and benefited by the capital improvement or ~~[facilities]~~ ***facility*** expansion as set forth in the capital improvements plan. ***The term does not include any area that makes up the entire area of a local government, unless the local government is a city whose population is 10,000 or less or a county whose population is 15,000 or less.***

~~[Section 1.]~~ ***Sec. 2.*** NRS 278B.160 is hereby amended to read as follows:

278B.160 1. A local government may by ordinance impose an impact fee in a service area to pay the cost of constructing a capital improvement or facility expansion necessitated by and attributable to new development. Except as otherwise provided in NRS 278B.220, the cost may include only:

(a) The estimated cost of actual construction ~~[;]~~ ***, including, without limitation, the cost of connecting a capital improvement or facility expansion to a line or facility used to provide water or sewer service;***

(b) Estimated fees for professional services;

(c) The estimated cost to acquire the land; and

(d) The fees paid for professional services required for the preparation or revision of a capital improvements plan in anticipation of the imposition of an impact fee.

2. All property owned by a school district is exempt from the requirement of paying impact fees imposed pursuant to this chapter.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

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

Amendment No. 237.

AN ACT relating to land use; clarifying that certain divisions, exchanges and transfers of land for agricultural purposes are exempt from requirements pertaining to boundary line adjustments and the filing of parcel maps and records of survey; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires the preparation and filing of a parcel map when land will be divided into four lots or less for transfer or development. (NRS 278.461) However, with respect to the adjustment of boundary lines or the transfer of land as between two abutting parcels, a parcel map is not required if the applicable governing body grants its approval and a professional land surveyor performs a field survey, sets monuments and files a record of survey. (NRS 278.461, 278.5692, 278.5693) In addition, certain divisions of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning. (NRS 278.320)

This bill clarifies that divisions, exchanges and transfers of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning, including any requirements pertaining to the adjustment of boundary lines or the filing of a parcel map or record of survey, if each parcel resulting from the division, exchange or transfer: (1) is 10 acres or more in size ~~[.]~~ **, unless local zoning laws prescribe a larger minimum parcel size;** (2) **has a zoning designation consistent with that specified in the applicable master plan, if any; (3)** can be described with reference to the standard subdivisions used in the United States Public Land Survey System; ~~[(3)]~~ **(4)** qualifies for agricultural use assessment; and ~~[(4)]~~ (5) is served by certain types of access. **This bill provides further that such a parcel ceases to be exempt from the provisions of chapter 278 of NRS if it ceases to qualify for agricultural use assessment or if commercial buildings or residential dwellings which did not exist previously are constructed on the parcel.**

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

Section 1. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this State or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. ~~[This]~~ ***Except as otherwise provided in subsection 5, this*** chapter ***, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey,*** does not apply to the division ***, exchange or transfer*** of land for agricultural purposes ~~[into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.]~~ ***if each parcel resulting from such a division, exchange or transfer:***

(a) Is 10 acres or more in size ~~[;]~~ ***, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;***

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;

(c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

~~[(c) By itself or in conjunction with other land owned by the same person, whether or not such other land is adjacent, qualifies]~~

(d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

~~[(d)]~~ ***(e) Is accessible:***

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

(1) Dilapidated;

(2) Dangerous;

(3) At risk of being declared a public nuisance;

(4) Damaged or destroyed by fire, flood, earthquake or any natural or man-made disaster; or

(5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time.

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

Amendment No. 497.

AN ACT relating to children; authorizing an agency which provides child welfare services to release to certain governmental agencies certain information concerning missing children who are in protective custody or with whom the agency has had contact; requiring an agency which provides child welfare services to release, upon request, certain information relating to a case of abuse or neglect which results in a fatality or near fatality; **requires the Legislative Auditor to receive and review certain information concerning certain children who suffer a fatality or near fatality;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes certain reports and records concerning reports of child abuse or neglect confidential except in certain circumstances and authorizes the release of certain information relating to data and information concerning reports and investigations of abuse and neglect of a child to specific persons. (NRS 432B.280, 432B.290) Section 2 of this bill authorizes an agency which provides child welfare services to release certain information relating to a missing child who is the subject of an investigation of ~~[alleged]~~ abuse or neglect ~~[or]~~ **and** who is in the protective custody of the agency which provides child welfare services **or who is in the custody of another entity pursuant to the order of a juvenile court** to certain governmental agencies

that need the information to assist in locating the child and to carry out their duties in protecting children from abuse and neglect. The information that may be released includes the child's name, age, physical description and photograph. The agencies receiving this information may disclose the information to ~~[others.]~~ **members of the general public upon request.**

Section 3 of this bill requires an agency which provides child welfare services to release upon request certain information relating to a case of abuse or neglect of a child which results in a fatality or near fatality. The information that must be released includes the information that the Eighth Judicial District Court held in *In re Clark County*, 05-A510196 (April 4, 2006), may be disclosed in cases of child fatalities or near fatalities pursuant to the Child Abuse Prevention and Treatment Act of 1974, Public Law 93-247.

Sections 8-12 of this bill require the Legislative Auditor to receive and review certain information concerning any child who has had contact with or who has been in the custody of an agency which provides child welfare services and who suffers a fatality or near fatality. The Legislative Auditor is required to release certain information concerning such children upon request.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. For purposes of assisting in locating a missing child who is the subject of an investigation of*** ~~[alleged]~~ ***abuse or neglect*** ~~[or]~~ ***and who is in the protective custody of an agency which provides child welfare services*** ~~[,]~~ ***or in the custody of another entity pursuant to the order of the juvenile court, an agency which provides child welfare services may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:***

(a) The name of the child;

(b) The age of the child;

(c) A physical description of the child; and

(d) A photograph of the child.

2. Information provided pursuant to subsection 1 is not confidential and may be disclosed ~~[.]~~ ***to any member of the general public upon request.***

Sec. 3. ***1. Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of*** ~~[alleged]~~ ***abuse or neglect suffered a fatality or near fatality. Any such data and information which is known must be made available not later than 48 hours after a fatality and not later than 5 business days after a near fatality. Except as otherwise provided in***

subsection 2, the data or information which must be disclosed includes, without limitation:

(a) A summary of the report of abuse or neglect and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

~~[(2)]~~ ***(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;***

~~[(3)]~~ ***(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and***

~~[(4)]~~ ***(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and***

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child ~~[.]~~ or any member of the child's family or household.

2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3 of NRS 432B.290, data or information concerning the identity of the person responsible for reporting the ~~[alleged]~~ ***abuse or neglect of the child to a public agency;***

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client;

~~[(c) Information that the agency which provides child welfare services believes may cause mental or physical harm to a child, a child's sibling or any other child living in the child's household;]~~ ***and***

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "near fatality" means an act that ~~[, as certified by a physician,]~~ ***places a child in serious or critical condition*** ~~[.]~~ ***as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.***

Sec. 4. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[Reports]~~ ***Except as otherwise provided in sections 2 and 3 of this act, reports*** made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) ***As otherwise authorized pursuant to section 2 or 3 of this act;***

(c) As otherwise authorized or required pursuant to NRS 432B.290; or

~~[(c)]~~ ***(d)*** As otherwise required pursuant to NRS 432B.513,

➥ is guilty of a misdemeanor.

Sec. 5. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 ~~[, 5 and 6]~~ ***and 3*** and NRS 432B.513, ***and sections 2 and 3 of this act,*** data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the ~~[alleged]~~ abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services; or

(u) An employer in accordance with subsection 3 of NRS 432.100.

2. ~~[Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect , except that the data or information which may be disclosed is limited to:~~

~~(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;~~

~~(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and~~

~~(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.~~

~~3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.~~

~~4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.~~

~~5.]~~ An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

~~[6.]~~ ***3.*** An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

~~[7.]~~ ***4.*** Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

➥ who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

~~[8.]~~ ***5.*** The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 6. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 12, inclusive, of this act.

Sec. 7. As used in sections 7 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.

Sec. 8. "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

Sec. 9. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 10. "Near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

Sec. 11. 1. Any time that a child who has had contact with, or who has been in the custody of, an agency which provides child welfare services suffers a fatality or a near fatality, the agency which provides child welfare services shall notify the Legislative Auditor or his designee and shall forward to the Legislative Auditor or his designee as soon as possible any files, notes, information and records which the agency has concerning the child, the manner in which the case was handled, any services that were provided to the child or the family of the child and any other relevant information.

2. The Legislative Auditor or his designee shall review the information obtained pursuant to subsection 1 to determine whether the case was handled in a manner which is consistent with state and federal law and to determine whether any measures, procedures or protocols could have assisted in preventing the fatality or near fatality.

3. Each agency which provides child welfare services shall:

(a) Cooperate fully with the Legislative Auditor or his designee;

(b) Provide the Legislative Auditor or his designee with any data, reports or information concerning a report or investigation of the abuse or neglect of a child and the response by the agency; and

(c) Allow the Legislative Auditor to inspect, review and copy any records, reports and other documents relevant to his duties pursuant to this section.

Sec. 12. 1. Except as otherwise provided in subsections 2 and 3, upon request, the Legislative Auditor or his designee shall provide data and information obtained pursuant to section 11 of this act concerning a child who suffered a fatality or near fatality who had contact with or who was in the custody of an agency which provides child welfare services. The data or information which must be disclosed includes, without limitation:

(a) A summary of the report of the abuse or neglect of the child and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or a member of the child's family or household.

2. The Legislative Auditor or his designee shall not disclose information pursuant to subsection 1 unless the person making the request has requested such information from the agency which provides child welfare services and has been denied access to such information or has not received the information in a timely manner.

3. The Legislative Auditor or his designee shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3 of NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; or

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

~~[Sec. 6.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 218.

SUMMARY—Authorizes ~~[deductions from]~~ **credits against** the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers. (BDR 32-1142)

AN ACT relating to taxation; authorizing ~~[deductions from]~~ **credits against** the state taxes on financial institutions and other businesses for certain qualified employee housing assistance provided by employers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes excise taxes on financial institutions and other businesses based upon the amount of wages they pay to their employees each calendar quarter. (NRS 363A.130, 363B.110) ~~[Existing law authorizes deductions from these taxes for certain amounts paid for health insurance and~~

~~health benefit plans for employees and their dependents. (NRS 363A.135, 363B.115)]~~

Sections 2 and 6 of this bill authorize ~~[additional deductions from]~~ **credits against** these taxes for certain donations made for the provision of housing assistance to employees. Sections 2 and 6 require that such a donation must be made to certain nonprofit organizations or Taft-Hartley trusts that administer the provision of that housing assistance, and specify the types of housing assistance that may qualify for the ~~[deductions.]~~ **credits.** Sections 2 and 6 further require the prior approval of the Housing Division of the Department of Business and Industry of the specific types of housing assistance provided, and ~~[provide for]~~ **impose** limitations on the **total** amount of tax ~~[deductions]~~ **credits** available each fiscal year. Sections 3 and 7 of this bill ~~[allow any unused amount of such a deduction to be carried forward each calendar quarter until exhausted and]~~ require an employer who claims such a ~~[deduction]~~ **credit** to provide an explanation and appropriate documentation of the amount claimed upon the request of the Department of Taxation.

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

Section 1. Chapter 363A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, an employer may*** ~~[deduct from the total amount of wages reported and upon which]~~ ***receive credit against the excise tax*** ~~[is imposed]~~ ***otherwise required to be paid by the employer pursuant to NRS 363A.130 in an amount equal to 50 percent of the monetary value of any qualified employee housing assistance provided by the employer*** ~~[for the benefit of its employees]~~ ***in the calendar quarter for which the tax is*** ~~[paid.]~~ ***due.***

2. An employer may not ~~[deduct from the wages upon which the excise]~~ ***receive any tax*** ~~[is imposed pursuant to NRS 363A.130:]~~ ***credit for:***

(a) Any amount deducted from the wages of an employee.

(b) Any amount expended for a project that has not been approved by the Housing Division pursuant to subsection 3.

(c) ~~[Except for any amount carried forward from a previous calendar quarter pursuant to section 3 of this act, any]~~ ***Any amount that exceeds the amount allocated for a project by the Housing Division pursuant to subsection 3.***

3. A sponsor must apply to the Housing Division for the approval of a project. The Housing Division shall allocate a specific dollar amount of tax ~~[deductions]~~ ***credit available for a fiscal year for each project it approves. An allocation for general operating support may be made only in connection with an allocation for an employer-assisted housing program or for technical assistance, and must not exceed 10 percent of the amount allocated for the related employer-assisted housing program or technical***

assistance. The Housing Division shall not allocate pursuant to this subsection any total sum of tax ~~[deductions]~~ ***credit for any fiscal year:***

(a) In excess of $4,000,000 for all employer-assisted housing programs it approves.

(b) In excess of $1,000,000 for all technical assistance and general operating support it approves.

4. The Department, with the advice and assistance of the Housing Division, shall adopt such regulations as it deems appropriate to carry out the provisions of this section.

5. As used in this section:

(a) "Employee" means ~~[an]~~ ***any employee whose wages are included within the measure of the excise tax imposed upon*** ~~[an]~~ ***any employer by NRS 363A.130, and the members of the household of the employee.***

(b) "Employer-assisted housing program" means a program for the provision of down-payment assistance, closing-cost assistance, reduced-interest mortgages, mortgage guarantees, rental subsidies or individual development account savings plans, or any combination thereof, by a sponsor ~~[on behalf of an employer]~~ ***to assist in securing affordable housing in this State for employees whose gross household income does not exceed 120 percent of the median income, as adjusted for the size of the household, for the county in which the applicable housing is located, as determined in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.***

(c) "Fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(d) "General operating support" means any cost incurred by a sponsor as a part of its general costs of operation. The term is not limited to the direct costs of an employer-assisted housing program or technical assistance.

(e) "Housing Division" means the Housing Division of the Department of Business and Industry.

(f) "Project" means:

(1) An employer-assisted housing program;

(2) Technical assistance; or

(3) General operating support.

(g) "Qualified employee housing assistance" means a donation of money, securities or real or personal property, or any combination thereof, to a sponsor which is used solely to pay for the costs of a project.

(h) "Sponsor" means a nonprofit organization that is organized under the laws of this State or of any other state, or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(7)(C), for which one of the purposes of the organization or trust is education in home ownership.

(i) "Tax ~~[deduction"]~~ ***credit" means the*** ~~[deduction]~~ ***credit authorized by subsection 1.***

(j) "Technical assistance" means any costs incurred by a sponsor for:

(1) Project planning;

(2) Providing assistance to employees in applying for financing to obtain housing; or

(3) Providing counseling services to employees who are prospective homebuyers.

Sec. 3. ~~[1. If the amount of the deductions allowed pursuant to NRS 363A.135 and section 2 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.~~

~~2.]~~ ***An employer claiming a deduction allowed pursuant to NRS 363A.135 or a credit allowed pursuant to section 2 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 4. NRS 363A.135 is hereby amended to read as follows:

363A.135 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363A.130:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. ~~[An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.]~~

4. As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the

provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 5. Chapter 363B of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***1. Except as otherwise provided in subsection 2, an employer may*** ~~[deduct from the total amount of wages reported and upon which]~~ ***receive credit against the excise tax*** ~~[is imposed]~~ ***otherwise required to be paid by the employer pursuant to NRS 363B.110 in an amount equal to 50 percent of the monetary value of any qualified employee housing assistance provided by the employer*** ~~[for the benefit of its employees]~~ ***in the calendar quarter for which the tax is*** ~~[paid.]~~ ***due.***

2. An employer may not ~~[deduct from the wages upon which the excise]~~ ***receive any tax*** ~~[is imposed pursuant to NRS 363B.110:]~~ ***credit for:***

(a) Any amount deducted from the wages of an employee.

(b) Any amount expended for a project that has not been approved by the Housing Division pursuant to subsection 3.

(c) ~~[Except for any amount carried forward from a previous calendar quarter pursuant to section 7 of this act, any]~~ ***Any amount that exceeds the amount allocated for a project by the Housing Division pursuant to subsection 3.***

3. A sponsor must apply to the Housing Division for the approval of a project. The Housing Division shall allocate a specific dollar amount of tax ~~[deductions]~~ ***credit available for a fiscal year for each project it approves. An allocation for general operating support may be made only in connection with an allocation for an employer-assisted housing program or for technical assistance, and must not exceed 10 percent of the amount allocated for the related employer-assisted housing program or technical assistance. The Housing Division shall not allocate pursuant to this subsection any total sum of tax*** ~~[deductions]~~ ***credit for any fiscal year:***

(a) In excess of $4,000,000 for all employer-assisted housing programs it approves.

(b) In excess of $1,000,000 for all technical assistance and general operating support it approves.

4. The Department, with the advice and assistance of the Housing Division, shall adopt such regulations as it deems appropriate to carry out the provisions of this section.

5. As used in this section:

(a) "Employee" means ~~[an]~~ ***any employee whose wages are included within the measure of the excise tax imposed upon*** ~~[an]~~ ***any employer by NRS 363B.110, and the members of the household of the employee.***

(b) "Employer-assisted housing program" means a program for the provision of down-payment assistance, closing-cost assistance, reduced-interest mortgages, mortgage guarantees, rental subsidies or individual

development account savings plans, or any combination thereof, by a sponsor ~~[on behalf of an employer]~~ ***to assist in securing affordable housing in this State for employees whose gross household income does not exceed 120 percent of the median income, as adjusted for the size of the household, for the county in which the applicable housing is located, as determined in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.***

(c) "Fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(d) "General operating support" means any costs incurred by a sponsor as a part of its general costs of operation. The term is not limited to the direct costs of an employer-assisted housing program or technical assistance.

(e) "Housing Division" means the Housing Division of the Department of Business and Industry.

(f) "Project" means:

(1) An employer-assisted housing program;

(2) Technical assistance; or

(3) General operating support.

(g) "Qualified employee housing assistance" means a donation of money, securities or real or personal property, or any combination thereof, to a sponsor which is used solely to pay for the costs of a project.

(h) "Sponsor" means a nonprofit organization that is organized under the laws of this State or of any other state, or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(7)(C), for which one of the purposes of the organization or trust is education in home ownership.

(i) "Tax ~~[deduction"]~~ ***credit" means the*** ~~[deduction]~~ ***credit authorized by subsection 1.***

(j) "Technical assistance" means any costs incurred by a sponsor for:

(1) Project planning;

(2) Providing assistance to employees in applying for financing to obtain housing; or

(3) Providing counseling services to employees who are prospective homebuyers.

Sec. 7. ~~[1. If the amount of the deductions allowed pursuant to NRS 363B.115 and section 6 of this act to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of those deductions may be carried forward to the following calendar quarter until the deductions are exhausted.~~

~~2.]~~ ***An employer claiming a deduction allowed pursuant to NRS 363B.115 or a credit allowed pursuant to section 6 of this act shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.***

Sec. 8. NRS 363B.115 is hereby amended to read as follows:

363B.115 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct from the wages upon which the excise tax is imposed pursuant to NRS 363B.110:

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) Any payments made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. ~~[An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.]~~

4. As used in this section:

(a) ”Claims” means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal

regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363B.110, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 9. This act becomes effective:

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

2. On July 1, 2007, for all other purposes.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 291.

Bill read second time.

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

Amendment No. 186.

SUMMARY—Revises provisions governing the use of money deposited in a ~~[local governmental]~~ fund established to stabilize the operation of ~~[the local government and mitigate the effects of natural disasters.]~~ **a school district.** (BDR 31-189)

"AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a ~~[local governmental]~~ **school district** fund established to stabilize the operation of ~~[the local government and mitigate the effects of natural disasters;]~~ **the school district;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law authorizes the governing body of a local government to establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters, and restricts the purposes for which the money in the fund may be expended. (NRS 354.6115) This bill expands those purposes to authorize local governments in counties with a population of less than 9,000 (currently Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties) to use the money to retire outstanding debt.]~~ **Existing law provides for each county to receive a portion of the proceeds of an ad valorem tax levied against mining operations in that county and for each county treasurer to apportion certain amounts of those proceeds to each local government or other local entity. (NRS 362.170) Existing law also authorizes each school district that receives a portion of those proceeds to set aside a portion of the amount received for a fund to mitigate the adverse effects upon the school district that result from a decline in revenues from the tax on mining operations or the opening or closing of a mining operation in the county. (NRS 362.171) This bill expands those purposes to authorize school districts in counties with a population of less than 15,000 (currently White Pine, Pershing, Lander, Mineral, Lincoln, Storey, Eureka and Esmeralda Counties) to use the money to retire outstanding debt and, if available revenues are below a certain amount, to use the money in the fund as the school district determines is necessary.**

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 through 3:

Section 1. **Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the

amount apportioned to establish a school district fund for mitigation. Except as otherwise provided in subsection 2, money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:

(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to chapter 362 of NRS.

2. A school district in a county whose population is less than 15,000 may:

(a) Use money from the fund to retire bonds issued by the school district or any other outstanding obligations of the school district.

(b) If the revenues available to the school district for the current fiscal year are less than 90 percent of the revenues available to the school district for the immediately preceding fiscal year, expend such money in the fund created pursuant to subsection 1 as the board of trustees of the school district determines is necessary.

Sec. 2. **NRS 362.171 is hereby amended to read as follows:**

362.171 ~~[1.]~~ Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:

~~[(a)]~~ ***1.*** A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

~~[(b)]~~ ***2.*** The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

~~[2. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:~~

~~(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or~~

~~(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.]~~

Sec. 3. **This act becomes effective on July 1, 2007.**

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

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

Amendment No. 188.

SUMMARY— ~~[Makes various changes concerning the lease]~~ **Expresses the sense of the Legislature concerning the temporary conversion** of certain water rights. (BDR 48-978)

AN ACT relating to water; ~~[authorizing the lease]~~ **expressing the sense of the Legislature as to the policy of this State concerning the temporary conversion** of certain water rights ~~[,]~~ **for certain ecological purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[authorizes the lease of]~~ **provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural** water rights ~~[used primarily for agricultural purposes if the lease is]~~ for wildlife purposes or to improve the quality or flow of water. ~~[The lease term for such water rights may not exceed 10 years.]~~

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. A water right that is used primarily for agricultural purposes may be leased for a term of not more than 10 years, if:~~

~~(a) The lease is]~~

The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water . ~~[; and~~

~~(b) The parties to such transaction:~~

~~(1) Apply to the State Engineer for a permit for the change of manner of use and place of use.~~

~~(2) Share in the payment of the assessments, tolls or charges related to the delivery of the water to the former place of use during the period of the lease.~~

~~2. A water right that is leased pursuant to subsection 1 may not be used for industrial, municipal or agricultural purposes.]~~

Sec. 2. ~~[NRS 533.345 is hereby amended to read as follows:~~

~~533.345 1. Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must~~

~~contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.~~

~~2. If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:~~

~~(a) The application is accompanied by the prescribed fees;~~

~~(b) The temporary change is in the public interest; and~~

~~(c) The temporary change does not impair the water rights held by other persons.~~

~~3. If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, he shall give notice of the application as provided in NRS 533.360 and hold a hearing and render a decision as provided in this chapter.~~

~~4. [A] *Except as otherwise provided in section 1 of this act, a* temporary change may be granted for any period not to exceed 1 year.]~~ **(Deleted by amendment.)**

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

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 223.

AN ACT relating to the protection of children; creating the Legislative Committee on the Health, Welfare, Safety and Protection of Children; creating the position of Child Welfare Specialist to audit and survey certain governmental and private facilities that have custody of children pursuant to a court order; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill create a Legislative Committee on the Health, Welfare, Safety and Protection of Children to study various issues relating to children in this State, including, without limitation, issues relating to child welfare services, children placed in governmental and private facilities for children pursuant to a court order, juvenile justice and other matters relating to children.

Sections 13-20 of this bill provide for the Legislative Auditor to employ or enter into a contract with an auditor to serve as a Child Welfare Specialist. The Child Welfare Specialist is charged with various duties, including conducting performance audits of certain governmental facilities that have custody of children pursuant to a court order and to inspect, review and survey governmental and private facilities that have custody of children pursuant to a court order to determine whether such facilities adequately

protect the health, safety and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care. The Child Welfare Specialist is required to report to the Legislative Committee on the Health, Welfare, Safety and Protection of Children and to follow directions from the Committee.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.***

Sec. 4. ***"Child Welfare Specialist" means the auditor selected to serve in that position pursuant to section 18 of this act.***

Sec. 5. ***"Committee" means the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act.***

Sec. 6. ***"Governmental facility for children" has the meaning ascribed to it in section 15 of this act.***

Sec. 7. ***"Private facility for children" has the meaning ascribed to it in section 17 of this act.***

Sec. 8. ***1. There is hereby created the Legislative Committee on the Health, Welfare, Safety and Protection of Children consisting of three members appointed by the Majority Leader of the Senate and three members appointed by the Speaker of the Assembly.***

2. The Committee shall elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. The chairmanship of the Committee must alternate each biennium between the Houses of the Legislature. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Committee shall elect a Chairman or Vice Chairman, as applicable, from among its members to serve in that position for the remainder of the unexpired term.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the Legislature.

4. Vacancies on the Committee must be filled in the same manner as the original appointments.

Sec. 9. ***1. The Committee shall meet throughout each year at the times and places as are specified by a call of the Chairman or a majority of the Committee.***

2. The Director of the Legislative Counsel Bureau or a person he has designated shall act as the nonvoting recording Secretary.

3. The Committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee.

➥ The compensation, per diem allowances and travel expenses paid pursuant to this subsection must be paid from the Legislative Fund.

Sec. 10. ***The Committee may:***

1. Study various issues relating to the provision of child welfare services in this State, including, without limitation:

(a) Programs for the provision of child welfare services;

(b) Licensing and reimbursement of providers of foster care;

(c) The availability and provision of mental health services;

(d) Compliance with any federal requirements in the provision of services;

(e) The quality of care provided to children in the child welfare system;

(f) The manner in which cases of alleged abuse or neglect of a child are handled and reported; and

(g) Other related issues.

2. Study issues relating to the health, safety, welfare, and civil and other rights of children placed in governmental and private facilities for children pursuant to a court order.

3. Study issues relating to juvenile justice.

4. Review and consider any other matter relating to the health, safety, welfare or protection of children in this State.

5. Conduct investigations and hold hearings.

6. Contract with a consultant to obtain assistance and advice.

Sec. 11. ***The Committee shall:***

1. Receive reports from and provide direction to the Child Welfare Specialist selected pursuant to section 18 of this act.

2. Make any appropriate recommendations for legislation to the Legislature.

Sec. 12. ***1. In conducting the investigations and hearings of the Committee:***

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chairman may report to the district court by petition setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

➥ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce

the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 13. ***As used in sections 13 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 14. ***"Child Welfare Specialist" means the person selected to serve in that position pursuant to section 18 of this act.***

Sec. 15. ***"Governmental facility for children" means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a governmental entity***

and which has physical custody of children pursuant to the order of a court.

Sec. 16. ***"Near fatality" means an act that*** [, as certified by a physician,] ***places a child in serious or critical condition*** [.] ***as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.***

Sec. 17. ***"Private facility for children" means any facility, detention center, treatment center, hospital, institution, group shelter or other establishment which is owned or operated by a person or entity which has physical custody of children pursuant to the order of a court.***

Sec. 18. ***1. The Legislative Auditor shall employ or contract with an auditor to serve as the Child Welfare Specialist. The Child Welfare Specialist shall:***

(a) Conduct such performance audits of governmental facilities for children as assigned by the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act; and

(b) Inspect, review and survey other governmental and private facilities for children to determine whether such facilities adequately protect the health, safety and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care.

2. In performing its duties pursuant to this section, the Child Welfare Specialist shall:

(a) Receive and review copies of all guidelines used by governmental and private facilities for children concerning the health, safety, welfare, and civil and other rights of children;

(b) Receive and review copies of each complaint that is filed by any child or other person on behalf of a child who is under the care of a governmental or private facility for children concerning the health, safety, welfare, and civil and other rights of the child;

(c) Perform unannounced site visits and on-site inspections of governmental and private facilities for children;

(d) Review reports and other documents prepared by governmental and private facilities for children concerning the disposition of any complaint which was filed by a child or any other person on behalf of a child concerning the health, safety, welfare, and civil and other rights of the child;

(e) Review practices, policies and procedures of governmental and private facilities for children for filing and investigating complaints made by children under their care or by any other person on behalf of such children concerning the health, safety, welfare, and civil and other rights of the children;

(f) Receive, review and evaluate all information and reports from governmental and private facilities for children relating to a child who

suffers a fatality or near fatality while under the care or custody of a governmental or private facility for children;

(g) Report periodically to the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act; and

(h) Perform such other duties as directed by the Legislative Committee on the Health, Welfare, Safety and Protection of Children.

Sec. 19. ***Each governmental and private facility for children shall:***

1. Cooperate fully with the Child Welfare Specialist;

2. Allow the Child Welfare Specialist to enter the facility and any area within the facility with or without prior notice;

3. Allow the Child Welfare Specialist to interview children and staff at the facility;

4. Allow the Child Welfare Specialist to inspect, review and copy any records, reports and other documents relevant to the duties of the Child Welfare Specialist; and

5. Forward to the Child Welfare Specialist copies of any complaint that is filed by a child under the care or custody of a governmental or private facility for children or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child.

Sec. 20. ***1. When conducting any performance audit pursuant to section 18 of this act, the Child Welfare Specialist shall carry out his duties in accordance with the provisions of NRS 218.737 to 218.893, inclusive, except that the Legislative Committee on the Health, Welfare, Safety and Protection of Children created by section 8 of this act replaces any reference to the Legislative Commission in those sections.***

2. The Legislative Auditor and the Child Welfare Specialist shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

3. All working papers from an audit are confidential and may be destroyed by the Legislative Auditor or the Child Welfare Specialist 5 years after the report is issued, except that the Legislative Auditor or the Child Welfare Specialist:

(a) Shall release such working papers when subpoenaed by a court; and

(b) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or by any other person authorized by the Legislative Committee on the Health, Welfare, Safety and Protection of Children.

Sec. 21. This act becomes effective on July 1, 2007.

Assemblywoman Gerhardt moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 314.

AN ACT relating to education; requiring the Department of Education to establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving licensed teachers and other licensed educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Education may, upon certain grounds, suspend or revoke the license of a teacher and other educational personnel. (NRS 391.330) Existing law also sets forth the process for the suspension or revocation of such a license. (NRS 391.320-391.361)

This bill requires the Department of Education to **adopt regulations that** establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. Under the procedure, each school district and each charter school is required to notify the Department of the arrest of a person who is licensed pursuant to chapter 391 of NRS if: (1) the act for which the licensee is arrested may be a ground for the suspension or revocation of the person's license; and (2) the school district or charter school has knowledge of that arrest. Upon receipt of such notice, the Department is required to prepare a separate file for the documentation and monitoring of the status of the case involving the licensee. If the case is referred to the State Board for its review and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file maintained by the Department and any related documents must not be made a part of the licensee's permanent employment record. This bill also provides immunity from civil or criminal liability for persons who make reports or provide notice concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 5, inclusive,** of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, "arrest" has the meaning ascribed to it in NRS 171.104.***

~~[Sec. 2.]~~ ***Sec. 3. 1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:***

(a) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of the arrest of a person who is licensed pursuant to chapter 391 of NRS if:

(1) The act for which the licensee is arrested ~~[may]~~ ***:***

(I) May be a ground for the suspension or revocation of the person's license pursuant to NRS 391.330; and

(II) Is not excluded by the Department from the notification requirements of this section; and

(2) The school district or charter school has knowledge of that arrest.

(b) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of:

(1) Each action, if any, taken against the licensee by the school district or charter school after the arrest; and

(2) The conviction of the licensee, if he is convicted of the act for which he was arrested.

(c) The steps that the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the licensee for the documentation and monitoring of the status of the case.

2. Each file that is maintained on a licensee pursuant to subsection 1 must include, without limitation:

(a) The date on which the person was arrested and the date on which the Department received notice of the arrest from the school district or charter school;

(b) The reason why the licensee was arrested;

(c) The steps taken by the Department in response to all notices received by the Department from a school district or charter school pursuant to subsection 1;

(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;

(e) An indication whether the Superintendent of Public Instruction has presented the case to the State Board for action and the type of action recommended by the Superintendent, if any;

(f) A description of any action taken by the State Board against the licensee and the reason for that action, or if no action is taken by the State Board, the reason for the inaction; and

(g) The final resolution of the case and the date of resolution.

3. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the ~~[State Board]~~ ***Superintendent of Public Instruction shall immediately recommend that the State Board proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.***

4. If the Department maintains a file on a licensee pursuant to this section and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.

~~[Sec. 3.]~~ ***Sec. 4. The superintendent of schools of each school district and the administrative head of each charter school shall submit all information required by the Department pursuant to section*** ~~[2]~~ ***3 of this act within the time prescribed by the Department.***

~~[Sec. 4.]~~ ***Sec. 5. Immunity from civil or criminal liability extends to every person who, pursuant to sections 2*** ~~[and]~~ ***, 3 and 4 of this act, in good faith:***

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is licensed pursuant to chapter 391 of NRS and who is arrested; or

3. Submits information to the Department concerning a person who is licensed pursuant to chapter 391 of NRS and who is arrested.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district or the Superintendent of Public Instruction or his designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall give written notice of the recommendation to the person to whom the license has been issued.

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the State Board;

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** no request for a hearing is filed within the time specified in subsection 3, the State Board may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the State Board shall immediately process the

recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive . ~~[, regardless of whether a request for a hearing is filed within the time specified in subsection 3.]~~ ***If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.***

~~[Sec. 6.]~~ ***Sec. 7.*** On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that includes a description of the procedure established by the Department pursuant to section ~~[2]~~ 3 of this act for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to chapter 391 of NRS.

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 112.

SUMMARY— ~~[Prohibits intentionally making certain false or misleading statements to activate]~~ **Makes various changes relating to** the Statewide Alert System for the Safe Return of Abducted Children. (BDR 15-1276)

AN ACT relating to crimes; prohibiting a person from intentionally making certain false or misleading statements to activate the Statewide Alert System for the Safe Return of Abducted Children; **revising the membership of the Committee for the Statewide Alert System;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill makes it a category ~~[D]~~ **E** felony to intentionally or knowingly make a false or misleading statement for the purpose of activating the Statewide Alert System for the Safe Return of Abducted Children. **Section 2 of this bill increases the membership of the Committee for the Statewide Alert System from 12 members to 15 members. The three new members of the Committee will consist of a representative of the Department of Transportation, the Advocate for Missing or Exploited Children and a representative of the public at large appointed by the Governor from among at least three nominees recommended to the Governor by the other members of the Committee. (NRS 432.350)**

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

Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intentionally makes any false or misleading statement, including, without limitation, any statement that conceals facts, omits facts or contains false or misleading information concerning any material fact, to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the Department of Public Safety to cause the System to be activated is guilty of a category ~~[D]~~ ***E felony and shall be punished as provided in NRS 193.130.***

2. The Attorney General or the district attorney of the county in which a person made a false or misleading statement may investigate and prosecute any violation of the provisions of this section.

3. As used in this section, "System" means the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.

Sec. 2. **NRS 432.350 is hereby amended to read as follows:**

432.350 1. There is hereby created the Committee for the Statewide Alert System consisting of ~~[12]~~ ***15*** members as follows:

(a) Five members appointed by the Governor who represent local law enforcement agencies;

(b) Five members appointed by the Governor who represent state law enforcement agencies;

(c) One representative of this state's Emergency Alert System, appointed by the Nevada Broadcasters Association or its successor; ~~[and]~~

(d) One representative of the Nevada Broadcasters Association or its successor, appointed by that Association ~~[.]~~ ***;***

(e) One representative of the Department of Transportation, appointed by the Director of the Department of Transportation;

(f) The Advocate for Missing or Exploited Children, appointed pursuant to NRS 432.157; and

(g) One representative of the public at large, appointed by the Governor from among the names of nominees provided to him pursuant to subsection 5.

2. The Governor shall select a Chairman and Vice Chairman of the Committee.

3. After the initial terms, each member of the Committee serves a term of 3 years ***.*** ~~[, commencing on July 1 of each odd-numbered year.]~~ A vacancy on the Committee must be filled in the same manner as the original appointment.

4. Members of the Committee serve without salary or compensation for their travel or per diem expenses.

5. The Committee shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (g) of subsection 1, or within 30 days after such a position on the Committee becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph (g) of subsection 1. The Governor shall appoint a new member or fill the vacancy from the list,

or request a new list. The Governor may appoint any qualified person who is a resident of this State to the position described in paragraph (g) of subsection 1.

Sec. 3. **1. As soon as practicable after the effective date of this act, the Committee for the Statewide Alert System shall submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph (g) of subsection 1 of NRS 432.350.**

2. On or before July 1, 2007:

(a) The Director of the Department of Transportation shall appoint one member to the Committee for the Statewide Alert System pursuant to paragraph (e) of subsection 1 of NRS 432.350 to a term commencing on July 1, 2007, and expiring on June 30, 2009.

(b) The Attorney General shall appoint the Advocate for Missing and Exploited Children to the Committee for the Statewide Alert System to a term commencing on July 1, 2007, and expiring on June 30, 2009.

(c) The Governor shall appoint one member to the Committee for the Statewide Alert System pursuant to paragraph (g) of subsection 1 of NRS 432.350 appointed from among the persons recommended to the Governor pursuant to subsection 2 to a term commencing on July 1, 2007, and expiring on June 30, 2010.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective ~~[on July 1, 2007.]~~ **upon passage and approval.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

ASSEMBLYMEN PARNELL, SMITH, AND **MABEY.**

AN ACT relating to the health of pupils; requiring that certain physical examinations of children required in schools include an examination of ~~[the abnormal growth and development of the children;]~~ **height and weight;** requiring school nurses to report the aggregate results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) ~~[Section 1 of this]~~ **This** bill **adds an additional physical examination before the**

completion of the first year of enrollment in elementary school. This bill also requires ~~[such]~~ **the** examinations ~~[also]~~ to ~~[determine if a child has any abnormal growth or development. Section 1 also]~~ **include an examination of height and weight. This bill authorizes school districts to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. This bill** requires school nurses to report the aggregate results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

Section 2 of this bill makes an appropriation of $75,000 to the Health Division of the Department of Health and Human Services for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.

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

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district to ***conduct examinations of height and weight and to*** determine whether the child has scoliosis, any visual or auditory problem, ~~[any abnormal growth or development]~~ or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~[,]~~ ***and to conduct examinations of height and weight*** ~~[, in]~~ ***:***

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In addition to subparagraph (1), in at least two grades of the elementary schools ~~[,]~~ ***; and***

(3) In at least one grade of the middle or junior high schools ~~[,]~~ and ***in at least*** one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination,

he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that he may have such a problem.

4. The school authorities shall notify the parents or guardian of any child who is found or believed to have ~~[a]~~ ***scoliosis, any*** visual or auditory problem, ~~[scoliosis]~~ ~~[any abnormal growth or development]~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. ***The board of trustees of a school district may collaborate with:***

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. Any child must be exempted from the examination if his parents or guardian filed with the teacher a written statement objecting to the examination.

~~[7.]~~ ***8.*** ***Each school nurse shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing nursing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must include only aggregate information for statistical purposes and exclude any identifying information relating to a particular child. The State Health Officer shall compile all such aggregate information he receives to monitor the health status of children and shall retain the aggregate information.***

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of $75,000 for contracting with the Nevada Public Health Foundation to convene at least two statewide meetings with representatives of all health authorities and local health officers in this State to identify the health-related issues, needs and priorities of children in this State, and to provide a written

report to the Legislative Committee on Health Care concerning the findings and recommendations resulting from those meetings.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

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

Amendment No. 445.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue special restricted licenses and establish fees for those licenses; regulating the performance of laser surgery, intense pulsed light therapy and the injection of cosmetic and chemotherapeutic substances; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

Sections 3 and 12 of this bill authorize the Board of Medical Examiners to issue special restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine in special medical programs.

~~[Section]~~ **Sections** 4 **and 15.5** of this bill ~~[requires]~~ **prohibit a person from performing a medical procedure in connection with laser surgery or intense pulsed light therapy unless the person is licensed as a physician, physician assistant, osteopathic physician or osteopathic**

physician's assistant. Sections 4 and 15.5 also require that laser surgery or intense pulsed light therapy on the globe of the eye be performed by a licensed physician **or osteopathic physician** who has completed a residency program in ophthalmology . ~~[, but authorizes other licensed health care workers to perform other medical services in connection with laser surgery and intense pulsed light therapy if the service is within the scope of their licenses.]~~

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any cosmetic or chemotherapeutic substance unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician.

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board's limited immunity from civil liability to the Board's peer reviewers and persons working in diversion programs. (NRS 630.364)

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 specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, ***physician assistant,*** dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a special restricted license to practice medicine to a graduate of a***

foreign medical school who intends to teach, engage in research or practice clinical medicine in a special medical program that is approved by the Board and conducted by the University of Nevada School of Medicine or a medical research center that is recognized by the Board.

2. A person who applies for a special restricted license is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a special restricted license set forth in regulations adopted by the Board.

3. A person who holds a special restricted license may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. A special restricted license expires automatically if the holder of the license ceases to practice medicine in the special medical program for which he received the license. The University of Nevada School of Medicine or medical research center that conducts the special medical program shall notify the Board within 10 days after the holder of the license ceases to practice medicine in the special medical program.

5. The Board may renew or modify a special restricted license unless the license expired automatically or was revoked by the Board.

6. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 4. ***1. Except as otherwise provided in*** ~~[this section,]~~ ***section 15.5 of this act, a person*** ~~[who is licensed pursuant to this title to perform medical services may]~~ ***shall not perform a medical*** ~~[service]~~ ***procedure in connection with laser surgery or intense pulsed light therapy*** ~~[if the service is within the scope of his license.]~~ ***unless he holds a license issued pursuant to this chapter as a physician or physician assistant.***

2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 5. ***A person, other than a physician, shall not inject a patient with any cosmetic or chemotherapeutic substance unless:***

1. The person is licensed or certified to perform medical services pursuant to this title;

2. The administration of the injection is within the scope of the person's license or certificate; and

3. The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed ***and in good standing*** in the State of Nevada who ~~[employs and]~~ supervises a physician assistant.

Sec. 7. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain ~~[such]~~ ***the*** certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of ~~[such postgraduate education must be]~~ ***which must have been completed*** as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[$100;]~~ ***$250;*** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board ***in writing*** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board ***in writing*** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised ***in writing*** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board ***in writing*** of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board ***in writing*** of a change in his permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~[$100.]~~ ***$250.***

3. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board of his intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing his activities during the period of his inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~[indigent]~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~[indigent]~~ persons in this State ~~[;]~~ ***who are indigent, uninsured or unable to afford health care;*** and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. ~~[Such a]~~ ***A limited*** license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue ~~[such]~~ a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program **.** ~~[and the Board.]~~

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 12. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600

For application for and issuance of a temporary, locum tenens, limited, restricted, special **,** ***special restricted*** or special purpose license 400

For renewal of a limited, restricted or special license..... 400
For application for and issuance of a license as a physician assistant 400
For biennial registration of a physician assistant..... 800
For biennial registration of a physician 800
For application for and issuance of a license as a practitioner of respiratory care 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels..... 500
For verification of a listing of physicians, per hour..... 20
For furnishing a list of new physicians..... 100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. ~~[Such a]~~ ***A*** special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ ***Any disciplinary action, including, without limitation, the*** revocation, suspension, modification or limitation of ~~[the]~~ ***a*** license to practice any type of medicine ***, taken*** by ***another state, the Federal Government, a foreign country or*** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ ***the*** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such a]~~ ***the*** failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any 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; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy ~~[, including, without limitation, a procedure or therapy]~~ which by the current standards of the practice of medicine ~~[are]~~ ***is*** experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~[,]~~ ***in writing,*** within 30 days, ***any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation,*** the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, ***peer reviewers,*** committees, panels, hearing officers and consultants ***and the employees or volunteers of a diversion program*** are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

Sec. 15.5. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in section 4 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license or certificate issued pursuant to this chapter as an osteopathic physician or osteopathic physician's assistant.

2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician ***, physician assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant ***, physician assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, ***physician assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, ***physician assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician ***, physician assistant*** or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

➥ A licensed medical facility in which ~~[such]~~ ***the*** care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) ”Emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) ”Gratuitously” has the meaning ascribed to it in NRS 41.500.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 331.

SUMMARY—Requires the ~~[State Board of Education]~~ **Nevada Interscholastic Activities Association** to adopt regulations governing spirit squads. (BDR 34-1108)

AN ACT relating to interscholastic events; requiring the ~~[State Board of Education]~~ **Nevada Interscholastic Activities Association** to adopt regulations governing spirit squads; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to establish policies governing the supervision, management and control of public schools in Nevada and authorizes the Board to adopt regulations to carry out the powers and duties conferred upon the Board by law. (NRS 385.075, 385.080) In addition, existing]~~ **Existing** law authorizes the Nevada Interscholastic Activities Association to adopt regulations that are necessary to control, supervise and regulate all interscholastic events at public schools, charter schools, private schools and parochial schools in Nevada. (NRS 386.420-386.470) Pursuant to that authority, the Association has adopted regulations governing the activities of cheerleaders and other members of a spirit squad at those schools. (NAC 386.754-386.7548)

Section 1 of this bill requires the ~~[State Board of Education]~~ **Association** to adopt regulations setting forth the standards of safety for each event, competition or other activity engaged in by a spirit squad and the qualifications required for a person to become a coach of a spirit squad. ~~[Section 1 further requires the regulations adopted by the Board to comply substantially with the rules of the Spirit Association of the National Federation of State High School Associations relating to spirit squad safety and the qualifications to become a coach of a spirit squad. Section 2 of this bill ensures that those regulations apply equally to homeschooled children.]~~

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

Section 1. NRS 386.430 is hereby amended to read as follows:

386.430 1. The ~~[Except as otherwise provided in subsection 2, the]~~ Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS ~~[,]~~ as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. ***The*** ~~[State Board]~~ ***Nevada Interscholastic Activities Association shall adopt regulations setting forth:***

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. The regulations adopted pursuant to subsection 2 must ~~[, to the greatest extent practicable, substantially]~~ ***:***

(a) Substantially comply with the spirit rules of the ~~[Spirit Association of the]~~ ***National Federation of State High School Associations , or its successor organization*** ~~[relating to the standards and qualifications specified in subsection 2.]~~ ***, and the qualifications for coaching of the American Association of Cheerleading Coaches and Administrators, or its successor organization; and***

(b) Provide for the regulation of the activities of spirit squads as an athletic activity.

4. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children , ~~[or if, pursuant to this section, the State Board intends to adopt, repeal or amend a regulation concerning or affecting those children,]~~ the Association ~~[or the State Board]~~ shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association ~~[or the State Board]~~ shall consider all written and oral submissions respecting the proposal or change before taking final action.

5. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 2. ~~[NRS 386.462 is hereby amended to read as follows:~~

~~386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association *and the State Board* pursuant to NRS 386.430.~~

~~2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:~~

~~(a) Eligibility and qualifications for participation;~~

~~(b) Fees for participation;~~
~~(c) Insurance;~~
~~(d) Transportation;~~
~~(e) Requirements of physical examination;~~
~~(f) Responsibilities of participants;~~
~~(g) Schedules of events;~~
~~(h) Safety and welfare of participants;~~
~~(i) Eligibility for awards, trophies and medals;~~
~~(j) Conduct of behavior and performance of participants; and~~
~~(k) Disciplinary procedures.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 386.464 is hereby amended to read as follows:~~

~~386.464 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:~~

~~1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive; or~~

~~2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,~~

~~→ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association *or the State Board* pursuant to NRS 386.430.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[Any regulation adopted by the Nevada Interscholastic Activities Association which sets forth the standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association or the qualifications required for a person to become a coach of a spirit squad remains in effect until:~~

~~1. The State Board of Education adopts the regulations required pursuant to NRS 386.430, as amended by section 1 of this act; and~~

~~2. Those regulations become effective.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 332.

SUMMARY— ~~[Makes]~~ **Revises provisions governing the** decisions of the Nevada Interscholastic Activities Association and certain of its designees . ~~[final and binding.]~~ (BDR 34-79)

AN ACT relating to education; ~~[making]~~ **providing that the** decisions of the Nevada Interscholastic Activities Association and certain of its designees ~~[final and not subject to judicial review;]~~ **must not be stayed by a court**

pending the court's final judgment on the matter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the county school districts to form the Nevada Interscholastic Activities Association, which controls, supervises and regulates all interscholastic athletic and other events in the public schools. (NRS 386.420-386.470) Under existing law, the Association is required to adopt rules and regulations to carry out its responsibilities, including, without limitation, an adequate process for reviewing and determining disputes. (NRS 386.430, 386.440) This bill provides that a decision of the Association or a designee of the Association that is authorized to make final decisions on disputes ~~[is final and not subject to judicial review.]~~ **must not be stayed by a court pending the court's final judgment on the matter.**

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

Section 1. NRS 386.440 is hereby amended to read as follows:

386.440 ***1.*** The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 386.430 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association or a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 386.430 ~~[is final and not subject to judicial review.]~~ ***must not be stayed by a court pending the court's final judgment on the matter.***

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 270.

AN ACT relating to marriage; requiring the board of county commissioners of certain counties to designate a branch office of the county clerk at which marriage licenses may be issued and to establish and maintain that branch office in certain incorporated cities; ~~[revising the requirements to obtain a marriage license;]~~ revising provisions governing the content of ~~[marriage licenses and]~~ marriage certificates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons who wish to marry to obtain a license from the county clerk of any county in the State. This license must be issued at the seat of the county, unless the board of county commissioners, at the request of the county clerk, has designated a branch office of the county clerk at which marriage licenses may be issued. (NRS 122.040) Section 2 of this bill requires the board of county commissioners of a county whose population is 400,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and to establish and maintain that branch office in an incorporated city whose population is 150,000 or more and less than 400,000 (currently Henderson).

~~[Existing law provides that, before issuing a marriage license, the county clerk may require the applicant to produce evidence that the applicant is of age. (NRS 122.040) Section 2 of this bill requires each applicant for a marriage license to provide proof of the applicant's full legal name and age by presenting certain documents to the county clerk.~~

~~Existing law requires an applicant for a marriage license to answer under oath each question contained in the form of license and to include his social security number on the affidavit of application for the marriage license. (NRS 122.040) Section 2 of this bill requires both applicants for a marriage license to satisfy these requirements, unless a district court finds that extraordinary circumstances prevent one applicant from appearing before the county clerk and authorizes the county clerk to issue the license if one applicant satisfies these requirements.]~~

Existing law provides for the content of ~~[marriage licenses and]~~ marriage certificates. (NRS ~~[122.050,]~~ 122.120) ~~[Section 3 of this bill requires a marriage license to include the full legal name of each applicant.]~~ Section 4 of this bill requires a marriage certificate to include the ~~[full legal name and]~~ date of birth of each applicant.

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

Section 1. ~~[Chapter 122 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*As used in this chapter, "full legal name" means the first name, middle names or family names and last name of a natural person, without the use of nicknames.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more ~~[may,]~~ ***:***

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the

designated branch office in an incorporated city whose population is 150,000 or more and less than 400,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate two branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age. ~~[shall require each applicant to provide proof of the applicant's full legal name and age by displaying an original or certified copy of at least one of the following:~~

~~(a) A valid driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.~~

~~(b) A valid passport.~~

~~(c) A birth certificate and a valid form of identification that contains a photograph of the applicant. If the birth certificate is written in a language other than English, the applicant must provide a copy of the birth certificate which is translated into English and notarized.~~

~~(d) A valid military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.~~

~~(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services.]~~

3. The ~~[Except as otherwise provided by subsection 4, the]~~ county clerk issuing the license shall require the ~~[each]~~ applicant to answer under oath each of the questions contained in the form of license ~~[.]~~ ~~[,]~~ and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. The county clerk shall require the ~~[each]~~ applicant to include his ~~[the applicant's]~~ social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either ~~[a]~~ person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person ~~[,]~~ responding to the question, he ~~[the person]~~ must state that the answer is unknown.

4. ~~[Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing and the county clerk shall require the applicant who is able to appear before the county clerk to do the following:~~

~~(a) Answer under oath each of the questions contained in the form of the license. The applicant shall answer any questions with reference to the other person named in the license.~~

~~(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.~~

~~➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown.~~

~~5.]~~ If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

5. ~~[6.]~~ If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in writing.

6. ~~[7.]~~ All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

7. ~~[8.]~~ A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. ~~[NRS 122.050 is hereby amended to read as follows:~~

~~122.050 The marriage license must *contain the full legal name of each applicant and must* be substantially in the following form:~~

~~MARRIAGE LICENSE~~

~~(EXPIRES 1 YEAR AFTER ISSUANCE)~~

~~State of Nevada }~~

~~}ss.~~

~~County of }~~

~~These presents are to authorize any minister who has obtained a certificate of permission, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Wife deceased .... Divorced .... Annulled .... When .... Where .... And .... of (City, town or location) ...., State of .... State of birth (If not in U.S.A., name of country) ....; Date of birth .... Father's name .... Father's state of birth (If not in U.S.A., name of country) .... Mother's maiden name .... Mother's state of birth (If not in U.S.A., name of country) .... Number of this marriage (1st, 2nd, etc.) ... Husband deceased .... Divorced .... Annulled .... When .... Where ....; and to certify the marriage according to law.~~

~~Witness my hand and the seal of the county, this ... day of the month of ……. of the year .....~~

~~(Seal)~~ ~~Clerk~~

~~Deputy clerk]~~ **(Deleted by amendment.)**

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage ***must contain*** ~~[the full legal name of each applicant and]~~ ***the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. The certificate of marriage*** must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
}ss.
County of .....

This is to certify that the undersigned, ... (a minister of the gospel, judge, justice of the peace of ..... County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the ..... day of the month of ……. of the year ....., at ..... (address or church), ... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ..... ***, Date of birth ....,*** and ..... (name), of

.....(city), State of ..... ***, Date of birth ....,*** with their mutual consent, in the presence of ..... and ..... (witnesses).

.....
Signature of person performing the marriage

(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of section 2 of this act.

Sec. 6. This act becomes effective on January 1, 2008.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to unarmed combat; ~~[eliminating the Medical Advisory Board;]~~ removing references to wrestling in various statutes relating to unarmed combat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 4 of this bill eliminates the Medical Advisory Board, which currently recommends standards for the physical and mental examination of contestants, recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018)]~~ Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

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

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State if the gross receipts from admission fees to the contest ~~[, match or exhibition]~~ ***of unarmed combat*** are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

4. The Commission shall adopt by regulation ~~[the]~~ ***:***

(a) The manner in which ~~[:~~

~~(a) The]~~ ***the*** fees required by subsections 1 and 2 must be paid.

(b) ~~[Applications]~~ ***The manner in which applications*** for grants may be submitted to the Commission ***.*** ~~[and the]~~

(c) The standards to be used to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

2. ~~[This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.]~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~[4.]~~ ***3.*** If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~[5,]~~ ***4,*** the money must be deposited with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***4.*** Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. ~~[NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2007.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~467.0101 "Board" defined.~~

~~467.012 Creation; Chairman; terms.~~

~~467.015 Qualifications of members.~~

~~467.018 Duties.]~~

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time.

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

Amendment No. 187.

AN ACT relating to land use planning; making various changes pertaining to residential establishments and group homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to compile, maintain and disseminate a registry pertaining to each "residential establishment" that exists in this State. (NRS 278.021) Sections 2-7 of this bill: (1) require local governments to assist in obtaining such information; (2) expand the registry to include certain information likely to be helpful to agencies that provide police, fire-fighting,

rescue or emergency medical services; and (3) broaden the scope of the registry to apply not just to licensed residential establishments, but to any facility that provides similar services to four or more persons. Thus, facilities operating unlawfully as residential establishments are included in the registry, providing necessary information to licensing and law enforcement authorities.

Section 8 of this bill provides that if a county or city requires a certain approval or permit before a residential establishment may operate, the county or city must, before granting that approval or permit, ensure that the establishment, or its owner or operator, has secured the necessary certifications or licenses that are required by federal, state or local authorities. Section 8 also allows for conditional or provisional approval or permitting by a local government pending receipt by the establishment of the necessary certification or license.

Under existing law, the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties), and the governing body of each city in such a county, is required to establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet. (NRS 278.021) **Section 9 of this bill changes the minimum distance prospectively to at least 1,500 feet but not more than 2,500 feet**. Section 10 of this bill provides that if a governing body fails to establish the minimum distance requirement by December 31, 2007, its ordinances will be conformed by operation of state law to a ~~[1,500-foot]~~ **2,500-foot** distance requirement.

WHEREAS, Residential establishments, commonly referred to as "group homes," include such facilities as halfway houses for recovering alcohol and drug abusers, homes for individual residential care, and residential facilities for groups; and

WHEREAS, Residential establishments serve an important purpose in the various communities of this State, allowing persons with special needs to receive assistance or care in a setting that may be more comfortable, less informal and less expensive than the setting of a more formal institution, such as a hospital; and

WHEREAS, Federal law, including the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988, clearly prohibits discriminatory housing practices, including practices which have the effect of discriminating against persons with disabilities in regard to the availability of housing; and

WHEREAS, The statutes of this State already require, in large part, that residential establishments be treated as single-family residences for zoning purposes, and already require the Health Division of the Department of Health and Human Services to compile and maintain a registry of information relating to such establishments; and

WHEREAS, Ensuring that such information is accurate, current and disseminated to the pertinent authorities is of vital importance to several state and local governmental agencies, because: (1) persons who reside in

residential establishments may be more susceptible than other persons to become victims of mistreatment or unscrupulous behavior, including, without limitation, Medicaid fraud or Medicare fraud; (2) governmental agencies and officers who enforce health and safety standards must be notified of the location of residential establishments in order to protect adequately the persons who reside in those establishments; and (3) fire departments, law enforcement agencies and other first responders must be notified of the locations of residential establishments so that they may be prepared to address the special needs of the residents of those establishments in the event of a fire, medical crisis or other emergency; and

WHEREAS, In several communities throughout the State, the names ascribed to residential establishments may be different, and certain persons may attempt to operate on an informal or unlicensed basis facilities that are, in practical effect, residential establishments; now, therefore,

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in NRS 278.021 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.***

Sec. 4. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 5. ***"Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.***

Sec. 6. ***"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.***

Sec. 7. ***1. Each political subdivision of the State of Nevada shall, within the limits of available money:***

(a) Conduct a reasonable investigation or survey to determine, insofar as is practicable, the following information regarding each group home that is located within the territorial limits of the political subdivision:

(1) The name of the owner of the group home;

(2) If the group home is leased or rented, the name of the lessee or renter;

(3) The name of the administrator of the group home, if any;

(4) The address of the group home;

(5) The phone number of the group home;

(6) If the group home is licensed, the number of clients for which the home is licensed; and

(7) If known, any information that may be helpful to agencies providing police, fire-fighting, rescue or emergency medical services with respect to persons residing in the group home who may need special assistance in the event of a fire, medical crisis or other emergency; and

(b) As often as is reasonably necessary, but not less frequently than once each calendar quarter, transmit the information to the Health Division.

2. If a political subdivision is not able to obtain all of the information described in subsection 1, it shall transmit to the Health Division such information as it is able to obtain.

3. Using the information transmitted by political subdivisions pursuant to subsection 1 and using any other resources at its disposal, the Health Division shall compile and maintain a registry of information relating to each group home that exists in this State. The Health Division shall make the information contained in the registry available to:

(a) Any agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue or emergency medical services;

(b) Any agency of the Federal Government, the State of Nevada or a political subdivision of this State that is involved in the investigation of acts of abuse, fraud or similar crimes; and

(c) Except as otherwise provided in this paragraph, the general public, through the use of the Internet website maintained by the Health Division. The Health Division shall not make available on its Internet website any personally identifying information relating to a resident of a group home.

4. Insofar as the Health Division is able to obtain the relevant information, the registry compiled and maintained by the Health Division must include, with respect to each group home that exists in this State:

(a) Each item of information described in paragraph (a) of subsection 1; and

(b) An entry indicating whether the group home is or is not formally licensed or certified as a residential establishment.

5. Any department or agency of the State of Nevada or a political subdivision of this State that becomes aware of the existence of a group home which is not included in the registry shall, within 30 days after obtaining such information, transmit the information to the Health Division as is necessary for inclusion in the registry.

6. As used in this section:

(a) "Group home" means:

(1) A residential establishment; and

(2) Any other home, facility or residence, whether or not it is licensed, whether it is operated formally or informally and by whatever name it may be known, that provides to four or more unrelated persons services similar to those provided by a residential establishment.

(b) "Health Division" means the Health Division of the Department of Health and Human Services.

(c) "Political subdivision" means a city or county.

Sec. 8. ***1. As a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a county or city shall ensure that the establishment or the owner or operator thereof has obtained any licenses or certifications that are required by federal, state or local authorities.***

2. Pending a residential establishment or the owner or operator thereof obtaining the required licenses and certifications, the governing body of a county or city or another entity designated to act on behalf of the governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the establishment.

Sec. 9. NRS 278.021 is hereby amended to read as follows:

278.021 1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. ~~[The Health Division of the Department of Health and Human Services shall compile and maintain a registry of information relating to each residential establishment that exists in this State and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential establishment:~~

~~(a) The name of the owner of the establishment;~~

~~(b) The name of the administrator of the establishment;~~

~~(c) The address of the establishment; and~~

~~(d) The number of clients for which the establishment is licensed.~~

~~➥ Any department or agency of a county or city that becomes aware of the existence of a residential establishment that is not included in the registry shall transmit such information to the Health Division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.~~

~~4.~~] The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least ~~[660]~~ ***1,500*** feet but not more than ~~[1,500]~~ ***2,500*** feet.

~~[5. The]~~

4. Except as otherwise provided in section 8 of this act, the governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

~~[6.]~~ ***5.*** The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

~~[7.]~~ ***6.*** As used in this section ~~[:~~

~~(a) "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.~~

~~(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(c) "Person]~~ ***, "person*** with a disability" means a person:

~~[(1)]~~ ***(a)*** With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[(2)]~~ ***(b)*** With a record of such an impairment; or

~~[(3)]~~ ***(c)*** Who is regarded as having such an impairment.

~~[(d) "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.]~~

Sec. 10. 1. On or before December 31, 2007, the governing body of each county whose population is 100,000 or more, and the governing body of each city in such a county, shall establish by ordinance the minimum distance between residential establishments that is set forth in subsection 3 of NRS 278.021.

2. If a governing body fails to comply with the provisions of subsection 1 on or before December 31, 2007, on that date the ordinances of the governing body shall be deemed to establish by operation of law a minimum distance between residential establishments of ~~[1,500]~~ **2,500** feet.

3. As used in this section, "residential establishment" has the meaning ascribed to it in section 5 of this act.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 451.

AN ACT relating to motor vehicles; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; ~~[reducing]~~ **increasing** the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an owner of an off-street parking facility to authorize the towing or removing of a vehicle from the facility in certain circumstances. (NRS 487.037) Existing law also allows the owner or person in lawful possession of any real property to have a vehicle that is parked in an unauthorized manner on the property towed if certain signs are posted and certain notices are given. (NRS 487.038) Finally, existing law allows a person whose car has been towed from private property, but not property where public parking is allowed, to bring a civil action against the person who authorized the towing to determine if the towing was lawful. (NRS 487.039)

This bill allows a person who believes his vehicle has been unlawfully towed from real property where public parking is allowed to file a civil action and for process to be served on the owner or person in lawful possession of the real property. This bill also ~~[reduces]~~ **increases** the time within which the court must hold a hearing on the matter of the propriety of

the towing from 7 **calendar** days to ~~[2]~~ **7** working days after the action is filed.

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

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed ~~[from private property upon the request of the owner of the private property, or a person in lawful possession of that property,]~~ ***pursuant to NRS 487.037 or 487.038*** and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the ~~[private]~~ property ***from which the vehicle was towed*** is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed $10,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 7 ~~[2]~~ ***working*** days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the ***owner or*** person ***in lawful possession of the property*** who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the ***owner or*** person ***in lawful possession of the property*** who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed ~~[from private property]~~ are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 191.

AN ACT relating to parentage; creating a conclusive presumption of paternity in certain circumstances; expanding the persons authorized to perform certain tests to determine paternity; **revising certain provisions concerning voluntary acknowledgments of paternity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that if the results of a blood test or genetic test establish a probability of the alleged father's paternity of 99 percent or more, the results of such a test create a conclusive presumption of paternity ~~[.]~~ **except in certain limited circumstances.** (NRS 126.051)

Sections 4 and 12 of this bill amend existing law to provide that ~~[an employee of]~~ **a person designated by** the Division of Welfare and Supportive Services of the Department of Health and Human Services, the district attorney or the Attorney General is authorized to perform certain tests for the typing of blood or the taking of specimens for genetic identification in paternity cases. (NRS 126.121, 652.210)

Sections 2 and 7-11 of this bill amend existing law to provide that the mother and father of a child may sign a declaration under penalty of perjury, rather than an affidavit which requires the signature of a notary public, for the voluntary acknowledgment of paternity of a child. (NRS 126.053, 440.280, 440.283, 440.287, 440.325, 449.246)

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

Section 1. NRS 126.051 is hereby amended to read as follows:

126.051 1. A man is presumed to be the natural father of a child if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 285 days after the marriage is terminated by death, annulment, declaration of invalidity or divorce, or after a decree of separation is entered by a court.

(b) He and the child's natural mother were cohabiting for at least 6 months before the period of conception and continued to cohabit through the period of conception.

(c) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is invalid or could be declared invalid, and:

(1) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 285 days after its termination by death, annulment, declaration of invalidity or divorce; or

(2) If the attempted marriage is invalid without a court order, the child is born within 285 days after the termination of cohabitation.

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child.

~~[(e) Blood]~~

2. A conclusive presumption that a man is the natural father of a child is established if tests ***for the typing of blood*** or tests for genetic identification made pursuant to NRS 126.121 show a probability of 99 percent or more that he is the father ~~[.]~~ ***except that the presumption may be rebutted if he establishes that he has an identical sibling who may be the father.***

~~[2.]~~ ***3.*** A presumption under ~~[this section]~~ ***subsection 1*** may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 2. **NRS 126.053 is hereby amended to read as follows:**

126.053 1. After the expiration of the period described in subsection 2, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 shall be deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the ~~[affidavit]~~ ***declaration*** is signed in this or any other state by the mother and father of the child. ~~[An affidavit]~~ ***A declaration*** for the voluntary acknowledgment of paternity that is signed pursuant to this subsection is not required to be ratified by a court of this State before the ~~[affidavit]~~ ***declaration*** is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.

2. A person who signs an acknowledgment of paternity in this State may rescind the acknowledgment:

(a) Within 60 days after the acknowledgment is signed by both persons; or

(b) Before the date on which an administrative or judicial proceeding relating to the child begins if that person is a party to the proceeding,

➥ whichever occurs earlier.

3. After the expiration of the period during which an acknowledgment may be rescinded pursuant to subsection 2, the acknowledgment may not be challenged except upon the grounds of fraud, duress or material mistake of fact. The burden of proof is on the person challenging the acknowledgment to establish that the acknowledgment was signed because of fraud, duress or material mistake of fact.

4. Except upon a showing of good cause, a person's obligation for the support of a child must not be suspended during a hearing to challenge a voluntary acknowledgment of paternity.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 126.101 is hereby amended to read as follows:

126.101 1. The child must be made a party to the action. If he is a minor, he must be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. If a district attorney brings an action pursuant to NRS 125B.150 and the interests of the child:

(a) Are adequately represented by the appointment of the district attorney as his guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment.

(b) Are not adequately represented by the appointment of the district attorney as his guardian ad litem, the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem in the case.

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 ***or 3*** of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by ~~[the employee of]~~ ***a person designated by an enforcing authority,*** qualified physicians or other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, master or referee conducting a hearing pursuant to NRS 126.111. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section, "enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 128.150 is hereby amended to read as follows:

128.150 1. If a mother relinquishes or proposes to relinquish for adoption a child who has:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court; or

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the father has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and if so, if it should be terminated.

2. If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

(a) A presumed father ~~[under subsection 1 of]~~ ***pursuant to*** NRS 126.051;

(b) A father whose relationship to the child has been determined by a court;

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A father who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the natural father, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the mother and any other appropriate person. The inquiry must include the following:

(a) Whether the mother was married at the time of conception of the child or at any time thereafter.

(b) Whether the mother was cohabiting with a man at the time of conception or birth of the child.

(c) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.

(d) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.

4. If, after the inquiry, the natural father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each must be given notice of the proceeding in accordance with subsection 6 of this section or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the natural father or any possible natural father and no person has appeared claiming to be the

natural father and claiming custodial rights, the court shall enter an order terminating the unknown natural father's parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as the natural father or a possible natural father in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 6. **NRS 425.345 is hereby amended to read as follows:**

425.345 To the extent they are not inconsistent with the provisions of this chapter, the provisions of chapters 31A, 125B and 126 of NRS apply to ~~[a hearing held]~~ ***any action taken*** pursuant to the provisions of this chapter.

Sec. 7. **NRS 440.280 is hereby amended to read as follows:**

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or his designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or

(2) The mother and a person other than the mother's husband have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(b) Widowed at the time of birth but married at the time of conception, the name of her husband at the time of conception must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) The mother and a person other than the mother's husband at the time of conception have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the father of the child; or

(c) The mother and father of the child have signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both the father and mother execute ~~[an affidavit]~~ ***a declaration*** consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or ~~[an affidavit]~~ ***a declaration*** executed pursuant to subsection 6 must be submitted to the local health officer, his authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or ~~[affidavit]~~ ***declaration*** must then be delivered to the State Registrar for filing. The State Registrar's file of orders and ~~[affidavits]~~ ***declarations*** must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 8. **NRS 440.283 is hereby amended to read as follows:**

440.283 1. The Board shall:

(a) Develop ~~[an affidavit]~~ ***a declaration to be signed under penalty of perjury*** for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the ~~[affidavits]~~ ***declarations*** to:

(1) Each hospital or obstetric center in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing ~~[an affidavit]~~ ***a declaration*** for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the ~~[affidavit]~~ ***declaration*** for the acknowledgment of paternity.

Sec. 9. **NRS 440.287 is hereby amended to read as follows:**

440.287 1. If a mother or a person who has signed ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity with the mother rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity unless a court issues an order establishing that the person who acknowledged paternity is not the father of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 10. **NRS 440.325 is hereby amended to read as follows:**

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283; or

(b) Order of a district court,

➥ the State Registrar, upon the receipt of the ~~[affidavit]~~ ***declaration*** or court order, shall prepare a new certificate of birth in the name of the child as shown in the ~~[affidavit]~~ ***declaration*** or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the ~~[affidavit]~~ ***declaration*** or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 11. **NRS 449.246 is hereby amended to read as follows:**

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's mother and father:

(a) The opportunity to sign, in the hospital, ~~[an affidavit]~~ ***a declaration*** for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

~~[Sec. 5.]~~ ***Sec. 12.*** NRS 652.210 is hereby amended to read as follows:

652.210 ~~[No]~~

1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician's assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens **.** ~~[, except that]~~

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 225.

AN ACT relating to elections; revising provisions governing the review of arguments advocating and opposing the approval of certain measures proposed by initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure by which committees prepare arguments advocating and opposing the approval of certain measures proposed by initiative or referendum on the ballot at statewide and local elections. Under this procedure, the Secretary of State or county or city clerk, as applicable, is required to reject each statement contained in such arguments that he believes is libelous or factually inaccurate. The committee that prepared a rejected statement may appeal the rejection to the Attorney General concerning statewide measures or the district attorney or city attorney concerning local measures. The Attorney General, district attorney or city attorney, as applicable, is required to review the decision and determine whether the statement should be rejected or accepted, which determination is a final decision for the purposes of judicial review. (NRS 293.252, 295.121, 295.217) This bill eliminates the role of the Attorney General, district attorney and city attorney in the review of a decision to reject such a statement by the Secretary of State or county or city clerk, as applicable, and provides for the appeal of such a decision by a committee directly to district court.

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

Section 1. NRS 293.252 is hereby amended to read as follows:

293.252 1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, he may appoint fewer than three persons to that committee, but he must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review.*** Not later than 5 days after the Secretary of State rejects a statement pursuant to

this subsection, the committee that prepared the statement may appeal that rejection ~~[to the Attorney General. The Attorney General shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the Attorney General shall issue his decision rejecting or accepting the statement. The decision of the Attorney General is a final decision for the purposes of judicial review.]~~ ***by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than*** ~~[30]~~ ***3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.***

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

Sec. 2. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

➥ the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review.*** Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection ~~[to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. If the decision of the district attorney is challenged]~~ by filing a complaint in district court **.** ~~[, the]~~ ***The*** court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 3. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of

an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➥ ***The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review.*** Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection ~~[to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. If the decision of the city attorney or other city officer appointed to hear the appeal is challenged]~~ by filing a complaint in district court **.** ~~[, the]~~ ***The*** court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of

NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.

Assemblywoman Koivisto moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 295.

AN ACT relating to ~~[confidentiality;]~~ **judicial records;** prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a district court from sealing a judicial public record unless a preponderance of the evidence indicates the existence of certain factors. According to this bill, before a district court seals a judicial public record, the district court must hold a hearing, provide notice of the hearing to the parties and the public, and allow both the parties and the public to present evidence and written briefs at the hearing.

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ ***Except as otherwise provided by specific statute, a district court may*** ~~[not]~~ ***seal a judicial public record*** ~~[unless]~~ ***only if a preponderance of the evidence indicates that:***

(a) Sealing the judicial public record does not have the purpose or effect of concealing a public hazard or information concerning a public hazard;

(b) Sealing the judicial public record furthers a public interest;

(c) Dissemination of the information contained in the judicial public record will create a serious and imminent danger to the public interest;

(d) There is no other reasonable method of avoiding any prejudicial effect created by dissemination of the information;

(e) There is a substantial probability that sealing the judicial public record will be effective in protecting the public interest against the perceived danger; and

(f) It is reasonably necessary for the judicial public record to remain sealed for a period of time.

2. Before a district court may seal a judicial public record, the court must hold a hearing at a date and time established by the court. The court shall send a notice of the hearing by certified mail, return receipt

requested, to each party and shall post notice of the hearing at a place in the courthouse that is designated for the posting of notices.

3. At the hearing, the district court shall allow the parties and members of the public to present evidence and submit written briefs.

4. Any judicial public record that is sealed pursuant to this section must be unsealed at the earliest possible time after the circumstances necessitating the sealing no longer exist.

5. As used in this section:

(a) "Information concerning a public hazard" means any information concerning a public hazard that may be useful to members of the public in protecting themselves from substantial bodily harm or death which may result from the public hazard.

(b) "Judicial public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material which is created, received, retained, maintained or filed by or with a district court and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics. The term does not include information:

(1) Declared confidential by other law of this State.

(2) Required to be kept confidential by federal law.

(3) Containing a trade secret. As used in this subparagraph, "trade secret" has the meaning ascribed to it in NRS 600A.030.

(4) Containing confidential financial information obtained, upon request, from a person and which is not information that is filed with or received by a district court pursuant to other law of this State.

(5) Concerning research conducted under the auspices of an institution of higher education, including, without limitation:

(I) Information concerning any negotiations made with respect to the research; and

(II) Information received from another party involved in the research.

(6) Containing grade transcripts and license examination scores obtained as part of a licensure process.

(7) Containing medical records.

(8) Containing a photograph, video recording or audio recording of an autopsy.

(9) Containing a social security number.

(c) "Public hazard" means any instrumentality, device, procedure, product or condition of any instrumentality, device, procedure or product that has caused or is likely to cause substantial bodily harm or death.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 202.

AN ACT relating to children; requiring a person to meet with the enforcing authority before ~~[requesting]~~ a hearing **is held** relating to the enforcement of an order of support for a child or relating to paternity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a master to order a parent who is responsible for the support of a dependent child to participate in certain programs to eliminate barriers to employment. (NRS 425.382) Sections 5-9 of this bill require a person requesting a certain hearing relating to the enforcement of an order for the support of a child or paternity to meet with the enforcing authority before ~~[making the request.]~~ **the hearing may be held.** Specifically, section 5 addresses a hearing concerning the collection of arrearages in payments of child support (NRS 425.470), sections 6 and 7 address a hearing concerning the suspension of a driver's license of a person who failed to pay child support (NRS 425.510) and sections 8 and 9 address a hearing concerning the suspension of a professional, occupational or recreational license of a person who failed to pay child support or did not comply with certain processes relating to paternity or child support proceedings. (NRS 425.530)

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

Section 1. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) ***Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance abuse or a program to address mental health issues;***

(14) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

~~[(14)]~~ ***(15)*** Award reasonable attorney's fees and other fees and costs; and

~~[(15)]~~ ***(16)*** Grant any other available remedy.

Sec. 2. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the Division will request pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that

issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS 425.382 to 425.3852, inclusive.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the Chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with NRS 125B.070.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at his last known address or to the last known address of his attorney.

Sec. 3. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for

the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:

(1) Provided to the enforcing authority.

(2) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 4. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the Chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the Division will request pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the Chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS 425.382 to 425.3852, inclusive.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the Chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to subparagraph ~~[(13)]~~ ***(14)*** of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the Chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court. The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.

Sec. 5. NRS 425.470 is hereby amended to read as follows:

425.470 1. The Chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a court in this State. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after he receives the notice required by subsection 1, the Chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount he is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the Chief proceeds to collect an arrearage pursuant to subsection 2, he shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The Chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and his ability to pay.

5. A ~~[Except as otherwise provided in this subsection, a]~~ responsible parent against whom the Division proceeds pursuant to subsection 2 may, within 20 days after he receives the notice required pursuant to subsection 3, submit to the Chief a request for a hearing. ***Before a hearing may be*** ~~[requested,]~~ ***held, the responsible parent and a representative of the enforcing authority must meet*** ~~[within 20 days after the responsible parent receives the notice required pursuant to subsection 3]~~ ***and make a good faith effort to resolve the matter.***

6. If a hearing is requested within the period prescribed in ~~[pursuant to]~~ subsection 5 ~~[,]~~ ***and the responsible parent and the enforcing authority***

meet as required pursuant to subsection 5, the hearing must be held pursuant to NRS 425.3832 within 20 days after the Chief receives the request. The master shall notify the responsible parent of his recommendation or decision at the conclusion of the hearing or as soon thereafter as is practicable.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 6. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsection 2 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

3. ***Before a hearing*** ~~[may be]~~ ***requested pursuant to subsection 2*** ~~[,]~~ ***may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.***

4. If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required pursuant to subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, he shall include in the notice the information set forth in subsection ~~[4.]~~ ***5.*** If the master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~[5.]~~ ***6.***

~~[4.]~~ ***5.*** If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant

relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department.

~~[5.]~~ ***6.*** If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~[6.]~~ ***7.*** The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the Department of Motor Vehicles that the person has complied with the subpoena or warrant or has satisfied the arrearage.

~~[7.]~~ ***8.*** For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 7. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who is in arrears in the payment for the support of one or more children. The notice must include the information set forth in subsection 2 and a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Satisfy the arrearage pursuant to subsection ~~[6,]~~ ***7;*** or

(b) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

3. ***Before a hearing*** ~~[may be]~~ ***requested pursuant to subsection 2*** ~~[,]~~ ***may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.***

4. If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required pursuant to subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the

master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~[4.]~~ ***5.***

~~[4.]~~ ***5.*** If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~[5.]~~ ***6.*** The district attorney or other public agency shall, within 5 days after the person who is in arrears in the payment for the support of one or more children satisfies the arrearage pursuant to subsection 6, notify the Department of Motor Vehicles that the person has satisfied the arrearage.

~~[6.]~~ ***7.*** For the purposes of this section:

(a) A person is in arrears in the payment for the support of one or more children if:

(1) He:

(I) Owes a total of more than $1,000 for the support of one or more children for which payment is past due; and

(II) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(2) He has failed to provide medical insurance for a child as required by a court order.

(b) A person who is in arrears in the payment for the support of one or more children may satisfy the arrearage by:

(1) Paying all of the past due payments;

(2) If he is unable to pay all past due payments:

(I) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(II) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(c) A person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 8. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsections 2 and ~~[3]~~ ***4*** and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person.

3. ***Before a hearing*** ~~[may be]~~ ***requested pursuant to subsection 2*** ~~[,]~~ ***may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.***

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ As soon as practicable after the master enters his recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

~~[4.]~~ ***5.*** If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required in subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 9. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS and:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsections 2 and ~~[3]~~ ***4*** and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall request in writing that the master suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to that person.

3. ***Before a hearing*** ~~[may be]~~ ***requested pursuant to subsection 2*** ~~[,]~~ ***may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.***

4. If the master receives from a district attorney or other public agency a request to suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to a person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ As soon as practicable after the master enters his recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

~~[4.]~~ ***5.*** If a person requests a hearing within the period prescribed in subsection 2 ~~[,]~~ ~~[after meeting]~~ ***and meets with the enforcing authority as required in subsection 3,*** a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 10. 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on October 1, 2007.

2. Sections 6 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➥ are repealed by the Congress of the United States.

3. Sections 7 and 9 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➥ are repealed by the Congress of the United States.

4. Section 9 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➥ are repealed by the Congress of the United States.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

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

Amendment No. 207.

AN ACT relating to notaries public; **revising provisions pertaining to the training of notaries public;** revising provisions governing the notarization of the signature of a person unknown to the notary public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is allowed to adopt regulations prescribing the procedure for the voluntary training of notaries public and is allowed to provide courses of study for the voluntary training of notaries public. (NRS 240.017, 240.018) Sections 1-4 of this bill provide that such training is mandatory for: (1) a person applying for appointment as a notary public for the first time; (2) a person renewing his appointment as a notary public, if his appointment has expired for a period greater than 1 year; and (3) a person renewing his appointment as a notary public, if he has been fined for failing to

comply with a statute or regulation of this State relating to notaries public during his immediately preceding period of appointment.

Under existing law, a notary public is guilty of a gross misdemeanor if he notarizes the signature of a person in his presence who is unknown to him unless the person provides documentary evidence of his identity. (NRS 240.155) Existing law also provides that a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if, in pertinent part, the person is identified upon the oath and affirmation of a credible witness. (NRS 240.1655) A credible witness is a person who is known personally to the signer of the document and the notarial officer. (NRS 240.0025) ~~[This]~~ **Section 5 of this** bill resolves the conflict between those provisions by providing an additional exception to the criminal penalty which allows a notary public to notarize the signature of a person unknown to him who provides a credible witness.

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 has been revoked.

(c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he 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 he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

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

4. It is unlawful for a person to:

(a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

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

5. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.

Sec. 2. NRS 240.017 is hereby amended to read as follows:

240.017 The Secretary of State:

1. May adopt regulations:

(a) Prescribing the procedure for the appointment and ~~[voluntary]~~ ***mandatory*** training of a notary public.

(b) Establishing procedures for the notarization of digital or electronic signatures.

2. Shall adopt regulations prescribing the form of each affidavit 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 ~~[voluntary]~~ ***mandatory*** training of notaries public***.*** ~~[at such times and for such duration as he determines appropriate; and]*** Such courses of study must include at least 4 hours of instruction relating to the functions and duties of notaries public.***

(b) Charge a reasonable fee to each person who enrolls in a course of study for the ~~[voluntary]~~ ***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 appointment as a notary public, if his appointment as a notary public has expired for a period greater than 1 year.

(c) A person renewing his appointment as a notary public, if during the immediately preceding 4 years he 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 he is in compliance with all of the statutes and regulations of this State relating to notaries public.

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Fund which is hereby created as a special revenue fund in the State Treasury. The Fund must be administered by the Secretary of State. Any interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund and the balance in the Fund must be carried forward. All claims against the Fund must be paid as other claims against the State are paid. The money in the Fund may be expended only to pay for expenses related to providing courses of study for the ~~[voluntary]~~ ***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.

Sec. 4. **NRS 240.030 is hereby amended to read as follows:**

240.030 1. Except as otherwise provided in subsection 4, each person applying for appointment as a notary public must:

(a) At the time he submits his application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if he were a public officer.

(c) ***Submit to the Secretary of State proof satisfactory to the Secretary of State that he has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.***

(d) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant shall submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public, including, without limitation, a court reporter, who resides in an adjoining state must submit to the Secretary of State with his application:

(a) An affidavit setting forth the adjoining state in which he resides, his mailing address and the address of his place of business or employment that is located within the State of Nevada; and

(b) Unless the applicant is self-employed, an affidavit from his employer setting forth the facts that show:

(1) The employer is licensed to do business in the State of Nevada; and

(2) The employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his residential address or telephone number on any such document which will become available to the public.

4. A court reporter who has received a certificate of registration pursuant to NRS 656.180 may apply for appointment as a notary public with limited powers. Such an applicant is not required to enter into a bond to obtain the limited power of a notary public to administer oaths or affirmations.

5. If required, the bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when he applies for his appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the

required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

6. Except as otherwise provided in subsection 7, the term of a notary public commences on the effective date of the bond required pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless he has been issued a certificate of appointment.

7. The term of a notary public with limited powers commences on the date set forth in his certificate of appointment.

8. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

~~[Section 1.]~~ ***Sec. 5.*** NRS 240.155 is hereby amended to read as follows:

240.155 1. A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides ***a credible witness or*** documentary evidence of identification to the notary public.

2. A person who:

(a) Violates the provisions of subsection 1; or

(b) Aids and abets a notary public to commit a violation of subsection 1,

➥ is guilty of a gross misdemeanor.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 558.

Bill read second time.

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

Amendment No. 208.

AN ACT relating to planning and zoning; authorizing governing bodies to reject certain land use applications if the applications are incomplete; requiring governing bodies to ~~[return incomplete applications to the applicants with a description of the additional information required under certain circumstances;]~~ **describe the additional information required to make such an application complete;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing bodies of cities and counties to regulate and restrict land use within their jurisdictions. (NRS 278.020) Section 1 of this bill authorizes governing bodies to reject land use applications if the applications are incomplete. Section 1 also requires governing bodies that have rejected applications that are incomplete to ~~[return each application to the applicant with a description of]~~ **: (1) describe to the applicant** the additional information required ~~[, if to do so is practicable.]~~ **; and (2) if requested by the applicant, explain why the additional information is necessary. Section 1 of this bill clarifies that its provisions apply only with respect to the review, acceptance or rejection of land use applications for the purpose of processing, and do not affect other substantive provisions of law.**

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any application submitted to a governing body or its designee, which application concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, or any ordinance, resolution or regulation adopted pursuant thereto, may be rejected by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, ~~[if practicable, return the incomplete application to the applicant with]~~ ***within 3 working days after receiving an application of the type described in subsection 1:***

(a) Review the application for completeness;

(b) Accept or reject the application; and

(c) If it rejects the application:

(1) Provide to the applicant a description of the additional information required ~~[.]~~ ***; and***

(2) If requested by the applicant, provide to the applicant an explanation of why the additional information is necessary.

3. The provisions of this section:

(a) Apply with respect to an application of the type described in subsection 1 only for the limited purposes of:

(1) Determining whether the application is sufficiently complete to be processed; and

(2) Accepting or rejecting the application on that basis; and

(b) Do not alter, limit or otherwise affect the operation of any statute or regulation of this State which prescribes standards, criteria or other requirements relating to the submission, acceptance, approval or rejection of such an application.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 559.

Bill read second time.

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

Amendment No. 206.

AN ACT relating to State Government; authorizing the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated; **requiring certification by a licensed physician; defining "incapacity";** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a vacancy occurs in the office of any state officer, the Governor is required to appoint a person to serve in that office until the next general election. (NRS 283.110) Existing law sets forth the events that cause a vacancy in office, including death and illness of a certain duration, but does not address the situation in which a state officer may be unable to perform the duties and functions of his office because of temporary incapacity. (NRS 283.040) This bill provides that if the Governor determines the State Controller or the State Treasurer suffers from illness or incapacity of indeterminate duration and that the illness or incapacity seriously interferes with or otherwise poses a critical and immediate danger to the financial operations of this State, the Governor may designate the Secretary of State or the Lieutenant Governor to perform the duties and functions of the State Controller or the State Treasurer, as applicable, for a limited period. **This bill prohibits such a designation unless a physician licensed under the laws of this State examines the State Controller or the State Treasurer, as applicable, and certifies that the officer suffers from such illness or incapacity.** This bill also authorizes the Office of the State Controller, in advance, to obtain and secure any necessary mechanical device that would be required by the Secretary of State or the Lieutenant Governor if designated to perform the duties and functions of the State Controller or the State Treasurer, as applicable, so that the designee may use a facsimile signature in place of his handwritten signature in performing such duties and functions.

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

Section 1. Chapter 283 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[If]~~ ***Except as otherwise provided in subsection 2, if the Governor determines that the State Controller or the State Treasurer suffers from illness or incapacity which:***

(a) Is likely to be of indeterminate or unknown duration;

(b) Does not constitute a vacancy in office as described in NRS 283.040; and

(c) Seriously interferes with or otherwise poses a critical and immediate danger to the financial operations of this State,

➥ the Governor may designate the Secretary of State or the Lieutenant Governor to perform such duties and functions of the State Controller or the State Treasurer, as applicable, as are necessary for the continuing financial operations of this State.

2. The Governor shall not make a designation pursuant to subsection 1 unless a physician licensed under the laws of this State certifies that he has examined the State Controller or the State Treasurer, as applicable, and has found such officer to suffer from illness or incapacity.

3. If the Governor makes a designation pursuant to subsection 1:

(a) The designation is effective until the earliest of the following events:

(1) The State Controller or the State Treasurer, as applicable, becomes capable of returning to the performance of his duties ~~[,]~~ ***, as certified by an examining physician licensed under the laws of this State;***

(2) The office of the State Controller or the State Treasurer, as applicable, is vacated by operation of law and a successor is appointed; or

(3) A successor is elected to replace the State Controller or the State Treasurer, as applicable, and has been qualified following the next general election.

(b) The officer designated to perform the duties and functions of the State Controller or the State Treasurer, as applicable, shall, for the effective duration of the designation, as described in paragraph (a), be deemed to be the State Controller or the State Treasurer, as applicable, to the extent necessary to carry out the duties and functions assigned by law to that office.

~~[3.]~~ ***4. The Office of the State Controller may obtain and secure in advance any necessary mechanical device that would be required by the Secretary of State or the Lieutenant Governor if designated pursuant to subsection 1 to perform the duties and functions of the State Controller or the State Treasurer, as applicable, so that the Secretary of State or the Lieutenant Governor may, as described in NRS 226.080 and 227.090 and for the purpose of performing such duties and functions, use a facsimile signature produced by way of such a mechanical device in place of his handwritten signature.***

5. As used in this section, "incapacity" means inability to perform the duties of office because of advanced age, or mental or physical disability.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 333.

AN ACT relating to education; revising the requirements for the biennial budgetary request for the State Distributive School Account; revising provisions governing the distribution of certain grants; providing that a certain percentage in the ending fund balance of the general fund of a school district is not subject to negotiations; revising provisions governing the calculation of basic support to provide kindergarten for a full school day; making various appropriations for education and for educational personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the Superintendent of Public Instruction to prepare a compilation of certain information for inclusion in the biennial budgetary request for the State Distributive School Account.]~~

Existing law creates the Commission on Educational Excellence and provides for grants of money by the Commission from the Account for Programs of Innovation and the Prevention of Remediation. (NRS 385.3781-385.379) Section 2 of this bill revises the application process for a grant of money from the Account to provide that school districts and charter schools may submit an application and removes the submission of an application by an individual public school of a school district.

Section 3 of this bill prohibits a certain percentage of the ending fund balance in a school district's general fund from being used to: (1) settle negotiations or arbitrate disputes between the school district and an employee organization; and (2) raise salaries or increase benefits of employees.

Existing law requires the board of trustees of each school district to establish a kindergarten department in each elementary school in the school district. Certain exceptions apply to schools with fewer than 15 children applying for enrollment in kindergarten. (NRS 388.060) Existing law also provides money to the school districts for the operation of kindergarten through the State Distributive School Account in an amount that is calculated based upon six-tenths of each pupil enrolled in kindergarten. (NRS 387.1233) Sections 4 and 7 of this bill require the board of trustees of each school district to provide kindergarten for a full school day beginning with the 2008-2009 school year and amends the basic support calculation so that each pupil enrolled in kindergarten is counted in the same manner as pupils enrolled in grades 1 to 12, inclusive.

Sections 5 and 6 of this bill revise provisions governing the annual required expenditures of school districts. (NRS 387.206, 387.207)

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 7 of this bill requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.

Section ~~[8]~~ **9** of this bill creates a Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.

Sections ~~[10-23]~~ **11-24** of this bill make various appropriations for education as follows: (1) inflationary costs of school districts; (2) books, supplies and equipment; (3) increasing salaries and associated benefits for teachers and licensed educational personnel; (4) health insurance for licensed educational personnel; (5) programs of incentive pay; (6) signing bonuses to licensed educational personnel and school nurses; (7) various student programs and career and technical education courses; (8) the provision of full-day kindergarten; and (9) professional development for teachers.

Under existing law, the board of trustees of a school district is required to purchase one-fifth of a year of retirement service for certain teachers and school psychologists. (NRS 391.165) Section ~~[25]~~ **26** of this bill repeals that section of NRS.

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

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Superintendent of Public Instruction shall compile information from each school district for use by the Department in preparing its biennial budgetary request for the State Distributive School Account. In compiling the request, the Superintendent shall take into account, without limitation:*~~

~~*(a) The projected enrollment of pupils for each school district and for the school districts as a whole;*~~

~~*(b) The projected costs of salaries and benefits for existing and newly hired teachers, and for other school district employees, including, without limitation, the cost of merit increases and the cost of living adjustments recommended by the Superintendent of Public Instruction;*~~

~~*(c) The projected costs of supplies, equipment, services, fuel and utilities based upon such published indexes, reports and research as the Superintendent of Public Instruction considers are credible and reliable regarding those costs to schools;*~~

~~*(d) The projected cost of existing and proposed educational programs, including, without limitation, enhancements to existing programs that are not included in the per pupil basic support guarantee; and*~~

~~*(e) The revenue that is anticipated to be available for the general operations of school districts other than money available from the State General Fund.*~~

~~*2. The compilation prepared pursuant to subsection 1 must be included with the biennial budgetary request for the State Distributive School Account prepared by the Department.*~~

~~*3. The compilation prepared pursuant to subsection 1 must be presented by the Superintendent of Public Instruction to such standing committees of the Legislature that the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs.*~~

~~*4. The compilation prepared pursuant to subsection 1 must be prepared in such a manner that allows for the direct comparison between the amount of the appropriations recommended in the Executive Budget for education and the amount of money which is necessary if the Legislature appropriated amounts sufficient to support the Department's entire request, including the compilation.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;

(3) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and

(4) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by school districts and ~~[public schools, including, without limitation,]~~ charter schools ~~[,]~~ for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils

that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and ~~[public schools, including, without limitation,]~~ charter schools ~~[,]~~ are eligible to submit such an application, regardless of whether the school district or ***charter*** school has made adequate yearly progress or failed to make adequate yearly progress. A school district or ~~[public]~~ ***charter*** school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and ~~[public]~~ ***charter*** schools that desire to participate in the program.

(e) Prescribe accountability measures to be carried out ~~[by]~~ ***if*** a school district or ***a*** public ***school, including, without limitation, a charter*** school that participates in the program **,** ~~[if that school district or public school]~~ does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.

(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

4. On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

5. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 3. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

Any ending fund balance maintained in the general fund of a school district of up to 8.3 percent must not be used to:

1. Settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

2. Adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 4. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) ~~[Six-tenths the]~~ ***The*** count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 5. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies ***,*** ~~[and]~~ instructional hardware ~~[.]~~ ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications.*** The formula must be used only to develop expenditure requirements and must not be used to alter the ~~[distribution of money for]~~ basic support ~~[to school districts.]~~ ***amount per pupil established by the Legislature for a fiscal year.***

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first ~~[30]~~ ***10*** days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for ~~[textbooks, instructional supplies and instructional hardware for]~~ ***the purposes set forth in subsection 1 in*** that fiscal year.

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection 2. In making this determination, the

Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies **,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** and the minimum required combined expenditure set forth in the notice provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies **,** ~~[and]~~ instructional hardware **,** ***library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies **,** ~~[and]~~ instructional hardware **,** ***library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** pursuant to this section must be reduced proportionately.

Sec. 6. NRS 387.207 is hereby amended to read as follows:

387.207 1. ~~[Except as otherwise provided in this section, in each school year a school district shall spend for library books and software for computers an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~2. Except as otherwise provided in this section, in each school year a school district shall spend for the purchase of equipment relating to instruction, including, without limitation, equipment for telecommunications and for the purchase of equipment relating to the transportation of pupils, an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~3.]~~ Except as otherwise provided in this section, in each school year a school district shall spend for the maintenance and repair of equipment, vehicles, ~~[and]~~ buildings and facilities ***and for the purchase of equipment***

relating to the transportation of pupils an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years, excluding any amount of money derived from the proceeds of bonds.

~~[4.]~~ ***2.*** A school district may satisfy the expenditures required by ~~[subsections 1, 2 and 3]~~ ***subsection 1*** if the school district spends an aggregate amount of money for all the items identified in ~~[those subsections]~~ that ***subsection which*** is at least equal to the average of the total amount of money expended by the school district per year for all those items in the immediately preceding 3 years.

~~[5.]~~ ***3.*** A school district is not required to satisfy the expenditures required by this section for a school year in which:

(a) The total number of pupils who are enrolled in public schools within the school district has declined from the immediately preceding school year; or

(b) The total revenue available in the general fund of the school district has declined from the immediately preceding school year.

Sec. 7. **NRS 387.303 is hereby amended to read as follows:**

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an

arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. ***In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction shall:***

(a) Compile the information from the most recent report submitted pursuant to subsection 2;

(b) Increase the line items of expenditure or revenue based on merit salary increases, cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) Adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) Consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per

pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues ~~[and expenditures]~~ of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature that the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

~~[Sec. 7.]~~ ***Sec. 8.*** NRS 388.060 is hereby amended to read as follows:

388.060 1. Except as otherwise provided in ~~[this subsection,]~~ ***subsection 2,*** the board of trustees of each school district shall ~~[establish,]~~ ***:***

(a) Establish, equip and maintain a kindergarten in each elementary school ~~[or each school attendance area]~~ in the district.

(b) Provide kindergarten in each elementary school for a full school day.

2. If, on or before June 1 immediately preceding the school year, admittance to kindergarten has been requested for fewer than 15 children, the mandatory provisions of ~~[this]~~ subsection ***1*** do not apply to that school, and the board may decide whether to establish a kindergarten for those children. If the board decides not to establish such a kindergarten, it ~~[may]~~ ***shall*** provide:

(a) Transportation for each child to enable him to attend kindergarten at another school; or

(b) Upon agreement with a child's parent or guardian, an authorized program of instruction for kindergarten to be offered in the child's home, which includes, without limitation, assigning licensed educational personnel to assist and consult with the parent or guardian as necessary.

~~[2. The board of trustees of a school district in which a kindergarten is to be established under the provisions of this title of NRS shall budget for this purpose by including the costs in the next regular budget for the school district.]~~

~~[Sec. 8.]~~ ***Sec. 9.*** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created a Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The

Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed educational personnel which must be designed to attract and retain educational personnel. The program may include, without limitation, the attraction and retention of:

(a) Teachers who teach in schools with a specified percentage of pupils who are at risk;

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district; and

(c) School psychologists.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund for Incentives for Licensed Educational Personnel, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. Within the limits of money available in the Grant Fund for Incentives for Licensed Educational Personnel, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district who submitted an application.

6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining licensed educational personnel. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(d) If the report is submitted in an odd-numbered year, Legislative Committee on Education.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 286.3005 is hereby amended to read as follows:

286.3005 A state agency may purchase credit for service on behalf of a member only as provided in NRS 286.3007. Except as otherwise required as a result of NRS 286.537 **,** ~~[or 391.165,]~~ any other public employer may pay any portion of the cost to purchase credit for service under NRS 286.300, but is not required to do so. No credit may be validated unless the cost of purchasing credit has been paid.

~~[Sec. 10.]~~ ***Sec. 11.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums to pay for the inflation of certain projected costs:

For the Fiscal Year 2007-2008 $11,373,101

For the Fiscal Year 2008-2009 $23,087,395

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State to pay for the inflation of the costs projected by the school districts for utilities, property and liability insurance, health insurance and educational supplies, material and equipment in preparing the biennial budgetary request for the State Distributive School Account for the 2007-2009 biennium. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for those costs for the 2007-2009 biennium.

~~[Sec. 11.]~~ ***Sec. 12.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for textbooks, instructional supplies, classroom supplies, library books, instructional equipment, laboratory science equipment, physical education supplies, athletic supplies, musical instruments, instructional computer hardware and instructional computer software:

For the Fiscal Year 2007-2008 $22,303,750

For the Fiscal Year 2008-2009 $22,997,950

2. To the extent money is available from the appropriation made by subsection 1, the money must be distributed to the school districts throughout this State in an amount approximating $55 per pupil enrolled in each school district. A school district shall use the money only for textbooks, instructional supplies, classroom supplies, library books, instructional equipment, laboratory science equipment, physical education supplies, athletic supplies, musical instruments, instructional computer hardware and instructional computer software. A school district may not use the money to reduce or supplant the money which would otherwise be expended by the school district for those items.

~~[Sec. 12.]~~ ***Sec. 13.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums to provide increases in salaries and associated benefits, excluding health insurance, for teachers and other licensed educational personnel:

For the Fiscal Year 2007-2008 $110,986,030

For the Fiscal Year 2008-2009 $231,061,080

2. The money from the appropriation made by subsection 1 must be apportioned in the same proportions per pupil as established by the Department of Education for the various county school districts for the 2007-2008 Fiscal Year and for the 2008-2009 Fiscal Year. Each school district shall use the money to provide increases in salaries and associated benefits, excluding health insurance, of approximately 5 percent per fiscal year for the teachers and other licensed educational personnel employed by the school district.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 13.]~~ ***Sec. 14.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for expenses related to providing health insurance for licensed educational personnel:

For the Fiscal Year 2007-2008 $32,057,556

For the Fiscal Year 2008-2009 $72,914,398

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State to increase the amount of money available to pay the costs of health insurance for the licensed educational personnel of each school district. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for the 2007-2009 biennium.

~~[Sec. 14.]~~ ***Sec. 15.*** 1. There is hereby appropriated from the State General Fund to the Public Employees' Benefits Program the following sums for providing health insurance subsidies to retired school district employees pursuant to paragraph (b) of subsection 4 of NRS 287.023:

For the Fiscal Year 2007-2008 $18,400,000

For the Fiscal Year 2008-2009 $21,500,000

2. The Public Employees' Benefits Program shall, from the money appropriated by subsection 1, make an allocation to each school district in the proportion of its obligation to the total obligation for all school districts.

~~[Sec. 15.]~~ ***Sec. 16.*** 1. There is hereby appropriated from the State General Fund to the Grant Fund for Incentives for Licensed Educational Personnel created by section ~~[8]~~ **9** of this act the following sums:

For the Fiscal Year 2007-2008 $29,665,947

For the Fiscal Year 2008-2009 $31,070,767

2. The Department of Education shall distribute the money appropriated by subsection 1 in accordance with section ~~[8]~~ **9** of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 16.]~~ ***Sec. 17.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums to provide signing bonuses to licensed educational personnel and school nurses who are newly hired by school districts:

For the Fiscal Year 2007-2008 $11,882,550
For the Fiscal Year 2008-2009 $12,834,375

2. A person may not receive a signing bonus until he has been employed with a school district in this State for at least 30 days. A school administrator is not eligible for a signing bonus pursuant to this section. A person may not receive more than one signing bonus pursuant to this section. A person who is employed with a school district in this State before July 1, 2007, and who subsequently transfers to another school district in this State is not eligible to receive a signing bonus pursuant to this section.

3. A school district that wishes to provide signing bonuses to its newly hired licensed educational personnel and school nurses shall submit information to the Department of Education, in a format prescribed by the Department, concerning the number of licensed educational personnel and school nurses who are newly hired by the school district for:

(a) The 2007-2008 school year.

(b) The 2008-2009 school year.

➥ A school district shall submit a request for each fiscal year that it wishes to provide signing bonuses pursuant to this section.

4. Within the limits of the money available from the appropriation made by subsection 1, the Department of Education shall use the money to provide signing bonuses to:

(a) Licensed educational personnel, excluding school administrators, and to school nurses who are newly hired for the 2007-2008 school year; and

(b) Licensed educational personnel, excluding school administrators, and to school nurses who are newly hired for the 2008-2009 school year.

➥ The amount of a bonus paid to each employee must not exceed $2,500.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 17.]~~ ***Sec. 18.*** 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379:

For the Fiscal Year 2007-2008 $21,411,600
For the Fiscal Year 2008-2009 $22,078,032

2. The sums appropriated by subsection 1 must be allocated by the Commission on Educational Excellence created **by** NRS 385.3784 in accordance with the provisions of NRS 385.3781 to 385.379, inclusive.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 18.]~~ ***Sec. 19.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for English language learner programs:

For the Fiscal Year 2007-2008 $41,697,482
For the Fiscal Year 2008-2009 $52,032,102

2. The money appropriated by subsection 1 must be distributed to the school districts throughout this State based upon the number of pupils enrolled in English language learner programs in each school district. The money allocated pursuant to this subsection must be in addition to the money that is otherwise distributed to school districts from the State Distributive School Account for the 2007-2009 biennium for per pupil basic support.

~~[Sec. 19.]~~ ***Sec. 20.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for the purchase of portable classrooms for the provision of full-day kindergarten the sum of $28,380,000.

2. The Department of Education shall distribute the money appropriated by subsection 1 to school districts to assist the school districts with the purchase of the necessary school facilities to provide full-day kindergarten beginning with the 2008-2009 school year.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 20.]~~ ***Sec. 21.*** There is hereby appropriated from the State General Fund to the State Distributive School Account the sum of $75,584,692 for distribution to the school districts for the costs of providing full-day kindergarten in the 2008-2009 school year.

~~[Sec. 21.]~~ ***Sec. 22.*** 1. There is hereby appropriated from the State General Fund to the State Distributive School Account the following sums for the addition of 5 days of school to be used for professional development:

For the Fiscal Year 2007-2008 $35,844,715

For the Fiscal Year 2008-2009 $36,991,505

2. The money appropriated by subsection 1 must be used by the Department of Education for allocation to the 17 school districts in a fair and equitable manner. A school district that receives an allocation of money shall use the money to provide 5 days of school for the 2007-2008 school year and 5 days of school for the 2008-2009 school year for the professional development of teachers. The 5 days of school for each school year must be in addition to the 180 days required by NRS 388.090 and must be used solely for the professional development of teachers to ensure that the 180 days required by NRS 388.090 are used for the instruction of pupils.

~~[Sec. 22.]~~ ***Sec. 23.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for the support of programs of education for certain pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement:

For the Fiscal Year 2007-2008 $38,808,000

For the Fiscal Year 2008-2009 $40,017,000

2. A school district may apply to the Department of Education for a grant of money from the appropriation made by subsection 1. An application must include:

(a) A description of the manner in which the school district ensures that the public schools within the school district comply with NRS 392.4642 to 392.4648, inclusive.

(b) A plan for the school district to use a grant of money to provide programs of education to pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive, including, without limitation, the

payment of salaries and benefits to teachers who provide the programs of education to those pupils.

(c) The proposed budget for the plan set forth in paragraph (b).

(d) Any additional information requested by the Department.

3. The Department shall distribute the money appropriated by subsection 1 to school districts with approved applications based upon the number of elementary schools and secondary schools in each school district. A school district that receives a grant of money shall use the money to pay the salaries and benefits of teachers who provide programs of education to pupils who are temporarily removed from the classroom and assigned to a temporary alternative placement pursuant to NRS 392.4642 to 392.4648, inclusive.

4. If a school district receives a grant of money for the 2007-2008 Fiscal Year and the school district desires to receive a grant of money for the 2008-2009 Fiscal Year, it must submit another application pursuant to subsection 2.

5. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 23.]~~ ***Sec. 24.*** 1. There is hereby appropriated from the State General Fund to the Department of Education the following sums for school districts to offer career and technical education courses:

For the Fiscal Year 2007-2008 $7,000,000

For the Fiscal Year 2008-2009 $7,000,000

2. The Department of Education shall distribute the money appropriated by subsection 1 to the 17 school districts based upon the number of pupils enrolled in each school district in career and technical education courses. A school district that receives a grant of money pursuant to this subsection must use the money to purchase equipment, supplies, software and related technology, and to pay other costs associated with providing career and technical education courses.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

~~[Sec. 24.]~~ ***Sec. 25.*** 1. If a teacher or school psychologist entered into a contract or other agreement of employment with a school district before July 1, 2007, the board of trustees of the school district shall purchase one-fifth of a year of service for that employee pursuant to subsection 2 of NRS 286.300 if the employee qualified under the provisions of NRS 391.165. On or before August 1, 2007, the board of trustees of each school district shall notify each such employee that he may elect to participate in the program of incentive pay for licensed educational personnel established pursuant to section ~~[8]~~ **9** of this act if he otherwise qualifies for participation in the program in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165.

2. On or before October 1, 2007, each employee who was given notice pursuant to subsection 1 shall notify the school district whether he will participate in the program of incentive pay for licensed educational personnel in lieu of the purchase of retirement service on behalf of the employee pursuant to NRS 391.165, as that section existed before July 1, 2007.

~~[Sec. 25.]~~ ***Sec. 26.*** NRS 391.165 is hereby repealed.

~~[Sec. 26.]~~ ***Sec. 27.*** 1. This section and sections 1, 2, 3, 5, 6 , 7 and ~~[8]~~ 9 to ~~[25,]~~ 26, inclusive, of this act become effective on July 1, 2007.

2. Sections 4 and ~~[7]~~ **8** of this act become effective on July 1, 2008.

TEXT OF REPEALED SECTION

391.165 Purchase of retirement credit for certain teachers and school psychologists.

1. Except as otherwise provided in subsection 3 and except as otherwise required as a result of NRS 286.537, the board of trustees of a school district shall pay the cost for a licensed teacher or licensed school psychologist to purchase one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 if:

(a) The teacher or school psychologist is a member of the Public Employees' Retirement System and has at least 5 years of service;

(b) The teacher or school psychologist has been employed as a licensed teacher or licensed school psychologist in this State for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this State;

(c) Each evaluation of the teacher or school psychologist conducted pursuant to NRS 391.3125 is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b):

(1) The teacher has been employed as a licensed teacher for 2 school years at a school within the school district during his employment at the school:

(I) Which carried the designation of demonstrating need for improvement; or

(II) At which at least 65 percent of the pupils who are enrolled in the school are children who are at risk;

(2) The teacher holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The school psychologist has been employed as a licensed school psychologist for at least 1 school year.

➥ The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher or school psychologist to purchase one-fifth of a year of service for each year that a teacher or school psychologist satisfies the requirements of subsection 1. If, in 1 school year, a teacher satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the teacher is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 for that school year.

3. In no event may the years of service purchased by a licensed teacher or school psychologist as a result of subsection 2 of NRS 286.300 exceed 5 years.

4. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed teacher or school psychologist to circumvent the requirements of this section.

(b) Include as part of a teacher's or school psychologist's salary the costs of paying the teacher or school psychologist to purchase service pursuant to this section.

5. As used in this section:

(a) A child is "at risk" if he is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(b) "Service" has the meaning ascribed to it in NRS 286.078.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 334.

AN ACT relating to education; revising provisions governing the required minimum expenditures of school districts for certain items; **revising the requirements for the biennial budgetary request for the State**

Distributive School Account; creating the Grant Fund for Incentives for Licensed Educational Personnel; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district to expend a required minimum amount of money each fiscal year, as determined by the Department of Education, for textbooks, instructional supplies and instructional hardware. (NRS 387.206) Section 1 of this bill ~~[provides that if a school district has purchased all the textbooks, instructional supplies and instructional hardware that it needs for a fiscal year, the school district may purchase library books, including instructional materials for libraries, to satisfy the required minimum expenditure for that fiscal year.]~~ **adds library books, software for computers and equipment relating to instruction to the list of required annual expenditures.**

~~[Existing law requires each school district to expend a certain amount of money in each school year for library books and software for computers based upon a 3-year average of those expenditures. (NRS 387.207) Section 2 of this bill provides a definition of "library books" to include instructional materials for libraries.]~~

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and to the Department of Taxation a written report of the annual budget of the school district. The Superintendent of Public Instruction is required to compile the reports of the annual budgets and submit the written compilation to the Department of Administration and to the Fiscal Analysis Division of the Legislative Counsel Bureau. (NRS 387.303) Section 3 of this bill requires the Superintendent of Public Instruction to include certain information in the biennial budget request for the State Distributive School Account for submission to the Department of Administration based upon the annual budgets submitted by the school districts.

Section 4 of this bill creates the Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish a program of incentive pay for licensed educational personnel.

Under existing law, the board of trustees of each school district that employs a speech pathologist who is licensed and certified by certain boards and associations is required to add 5 percent to the salary of the speech pathologist. (NRS 391.160) Section ~~[3]~~ **5** of this bill makes an appropriation to assist the school districts with paying the 5 percent increase.

Section ~~[4]~~ **6** of this bill makes an appropriation for distribution as grants to school districts that establish a pilot program for programs of alternative education for disruptive pupils.

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

Section 1. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies , ~~[and]~~ instructional hardware ~~[.]~~ , ***library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications.*** The formula must be used only to develop expenditure requirements and must not be used to alter the ~~[distribution of money for]~~ basic support ~~[to school districts.]~~ ***amount per pupil established by the Legislature for a fiscal year.***

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first ~~[30]~~ ***10*** days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for ~~[textbooks, instructional supplies and instructional hardware for]~~ ***the purposes set forth in subsection 1 in*** that fiscal year. ~~[If a school district has purchased all the textbooks, instructional supplies and instructional hardware that it needs for that fiscal year, the school district may expend money for library books to satisfy the required minimum amount of money set forth in the notice to the school district.]~~

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice provided pursuant to subsection 2. In making this determination, the Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies , ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** and the minimum required combined expenditure set forth in the notice provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies , ~~[and]~~ instructional hardware ,

library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies**,** ~~[and]~~ instructional hardware ***, library books, software for computers and equipment relating to instruction, including, without limitation, equipment for telecommunications*** pursuant to this section must be reduced proportionately.

6. As used in this section, "library books" includes, without limitation, instructional materials for libraries.

Sec. 2. NRS 387.207 is hereby amended to read as follows:

387.207 1. ~~[Except as otherwise provided in this section, in each school year a school district shall spend for library books and software for computers an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~2. Except as otherwise provided in this section, in each school year a school district shall spend for the purchase of equipment relating to instruction, including, without limitation, equipment for telecommunications and for the purchase of equipment relating to the transportation of pupils, an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years.~~

~~3.]~~ Except as otherwise provided in this section, in each school year a school district shall spend for the maintenance and repair of equipment, vehicles, ~~[and]~~ buildings and facilities ***and for the purchase of equipment relating to the transportation of pupils*** an amount of money, expressed as an amount per pupil, that is at least equal to the average of the total amount of money that was expended per year by the school district for those items in the immediately preceding 3 years, excluding any amount of money derived from the proceeds of bonds.

~~[4.]~~ ***2.*** A school district may satisfy the expenditures required by ~~[subsections 1, 2 and 3]~~ ***subsection 1*** if the school district spends an aggregate amount of money for all the items identified in ~~[those subsections]~~ that ***subsection which*** is at least equal to the average of the total amount of money expended by the school district per year for all those items in the immediately preceding 3 years.

~~[5.]~~ ***3.*** A school district is not required to satisfy the expenditures required by this section for a school year in which:

(a) The total number of pupils who are enrolled in public schools within the school district has declined from the immediately preceding school year; or

(b) The total revenue available in the general fund of the school district has declined from the immediately preceding school year.

~~[6. As used in this section, "library books" includes, without limitation, instructional materials for libraries.]~~

Sec. 3. **NRS 387.303 is hereby amended to read as follows:**

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The school district's actual expenditures in the fiscal year immediately preceding the report.

(d) The school district's proposed expenditures for the current fiscal year.

(e) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(f) The number of teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(j) The expenditures from the account created pursuant to subsection 3 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year, and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. ***In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction shall:***

(a) Compile the information from the most recent report submitted pursuant to subsection 2;

(b) Increase the line items of expenditure or revenue based on merit salary increases, cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) Adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) Consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues ~~[and expenditures]~~ of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as the Superintendent determines appropriate for the purpose of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 4. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created a Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed educational personnel which must be negotiated pursuant to chapter 288 of NRS and must be designed to attract and retain educational personnel. The program may include, without limitation, the attraction and retention of:

(a) Teachers who teach in schools with a specified percentage of pupils who are at risk;

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district; and

(c) School psychologists.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. Within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district who submitted an application.

6. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in

recruiting and retaining licensed educational personnel. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(d) If the report is submitted in an odd-numbered year, Legislative Committee on Education.

~~[Sec. 3.]~~ ***Sec. 5.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for a 5-percent increase to the salary of certain speech pathologists:

For the Fiscal Year 2007-2008 $597,268

For the Fiscal Year 2008-2009 $706,444

2. The Department shall distribute the money appropriated to the school districts to assist the school districts with paying the 5-percent increase to the salary of certain speech pathologists pursuant to subsection 3 of NRS 391.160. If the money from the appropriation is insufficient to pay the total costs of the increase, the school district shall pay the difference.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 4.]~~ ***Sec. 6.*** 1. There is hereby appropriated from the State General Fund to the Department of Education for pilot programs for alternative programs of education for disruptive pupils established pursuant to this section:

For the Fiscal Year 2007-2008 $500,000

For the Fiscal Year 2008-2009 $500,000

2. The Superintendent of Public Instruction shall prescribe:

(a) The form for an application to establish a pilot program for an alternative program of education for disruptive pupils; and

(b) Criteria for the selection of schools to establish such a pilot program.

3. A public school in this State may submit an application to the Department to establish a pilot program pursuant to this section. Such an application must include an estimate of the costs of establishing a program. If a school is selected to establish a pilot program, the school will receive a grant of money from the appropriation made by subsection 1 to carry out a

program in an amount based upon the estimated costs of establishing the program.

4. A pilot program established pursuant to this section must:

(a) Comply with NRS 392.4642 to 392.4648, inclusive;

(b) Be provided in a setting outside the regular classroom of the pupil;

(c) Ensure that pupils who are participating in the program are separated from pupils who are not participating in the program;

(d) Provide supervision of and counseling to pupils who participate in the program;

(e) Provide and emphasize instruction in English language arts, mathematics, science and history, as appropriate to the grade level of the pupils participating in the program;

(f) Provide and emphasize training in self-discipline;

(g) Provide for a transitional stage between in-school or in-home suspension and regular school activities; and

(h) Include an evaluation phase based on the collection of data to measure the effectiveness of the program.

5. A pilot program established pursuant to this section may:

(a) Be located on the grounds of the school or at another location.

(b) Include programs that:

(1) Use innovative instructional, counseling or disciplinary concepts.

(2) Encourage the effective involvement of the parents and legal guardians of pupils who are participating in the program.

(c) Provide instructional and other services to pupils through the existing staff at a public school or from other personnel, or any combination thereof.

6. On or before October 1, 2008, the schools that establish a pilot program pursuant to this section shall submit a report to the Department for the period ending September 1, 2008, that includes:

(a) The manner in which the pilot program was carried out;

(b) The number of pupils who participated in the program;

(c) The expenditures made by the school for the program;

(d) The number of disciplinary referrals, suspensions and expulsions that occurred at the school before and after the establishment of the program; and

(e) An analysis of the academic achievement and performance of the pupils before and after the pupils participated in the program.

7. The Department shall evaluate the effectiveness of the pilot programs established pursuant to this section based on the reports submitted by the schools pursuant to subsection 6. In addition, the Department shall solicit and analyze data from schools that did not establish pilot programs pursuant to this section but have established alternative programs of education for disruptive pupils. The Department may spend not more than $10,000 of the amount appropriated by subsection 1 during the Fiscal Years 2007-2009 to hire a contractor to assist with the evaluation.

8. On or before December 1, 2008, the Department shall submit a report of its findings to the Legislative Committee on Education.

9. On or before February 1, 2009, the Department shall submit a final report of its findings to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

10. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~[Sec. 5.]~~ ***Sec. 7.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 567.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 344.

AN ACT relating to education; revising provisions governing the Nevada Plan and the apportionments and allowances from the State Distributive School Account to include pupils who are enrolled in a university school for profoundly gifted pupils; requiring the governing body of a university school to adopt certain rules; revising provisions governing the employment of unlicensed personnel at a university school; ~~[revising provisions governing the eligibility of a child for enrollment in a university school;]~~ revising provisions relating to the appointment and membership of the governing body of a university school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of university schools for profoundly gifted pupils. (Chapter 392A of NRS) Under existing law, a university school for profoundly gifted pupils is a public school but is not entitled to receive any money from this State. (NRS 392A.050) Section 12 of this bill provides that the pupils enrolled in a university school for profoundly gifted pupils must be included in the count of pupils of the school district in which the university school is located for purposes of apportionments and allowances from the State Distributive School Account. Section 12 also provides that a university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the university school or the pupils enrolled in the university school are eligible to receive. Sections 2-10 of this

bill revise provisions governing the count of pupils for support from the State Distributive School Account to reflect the enrollment of pupils enrolled in a university school for profoundly gifted pupils.

Sections 14-16 of this bill require the governing body of a university school for profoundly gifted pupils to: (1) adopt rules for the academic advancement pupils, including the development of a 4-year academic plan for each pupil; (2) submit information to the Department of Education in the format prescribed by the Department for the purposes of accountability reporting for the university school; and (3) adopt written rules of behavior for the pupils enrolled in the university school.

Section 17 of this bill requires each applicant for employment with a university school for profoundly gifted pupils who is not licensed by the Superintendent of Public Instruction to submit a complete set of his fingerprints for a criminal background check.

Under existing law, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except as otherwise provided by specific statute. (NRS 392A.060) Section 20 of this bill provides that in addition to specific statute, the State Board of Education may adopt regulations governing university schools for profoundly gifted pupils as determined necessary by the Superintendent of Public Instruction.

Section 21 of this bill revises provisions concerning the appointment and membership of the governing body of a university school for profoundly gifted pupils.

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 ~~[,]~~ ***and by each university school for profoundly gifted pupils;***

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data ~~[,]~~ ***to the Department;***

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) ***Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;***

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

~~[(g)]~~ ***(h)*** Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school ***and university school for profoundly gifted pupils*** located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

~~[(h)]~~ ***(i)*** Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 2. NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore **,** the quintessence of the State's financial obligation for such programs can be expressed in a formula

partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school ~~[.]~~ ***or a university school for profoundly gifted pupils.*** This formula is designated the Nevada Plan.

Sec. 3. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district ***,*** ~~[or a]~~ charter school ***or university school for profoundly gifted pupils*** at a specified time during the school year.

3. "Special education program unit" means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the State Board.

Sec. 4. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts ***,*** ~~[or]~~ charter schools ***or university schools for profoundly gifted pupils*** by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district ***,*** ~~[or]~~ a charter school ***or a university school for profoundly gifted pupils*** may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency

or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, ~~[or]~~ pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, ***and pupils who are enrolled in a university school for profoundly gifted pupils located in the county,*** for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the Superintendent of Public Instruction pursuant to NRS 388.854 or 388.858, as applicable.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught

in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school ~~[or]~~ ***, a university school for profoundly gifted pupils or*** a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 6. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year ~~[.]~~ ***and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.***

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total

time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 7. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts **,** ~~[and]~~ charter schools ***and university schools for profoundly gifted pupils*** in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school **,** ~~[and]~~ all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school ~~[.]~~ ***and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county.*** No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to the sum of the basic support

per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. ***The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.***

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the

National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

~~[7.]~~ ***8.*** If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 8. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the Department of Education, upon approval by the State Board of Examiners and the Interim Finance Committee, if the Department of Taxation and the county assessor in the county in which the school district is located certify to the Department of Education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

➥ If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the State Distributive School Account in the State General Fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph (8) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils

submitted to the Department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district **,** ~~[and]~~ charter school ***and university school for profoundly gifted pupils*** must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children in a school district **,** ~~[or]~~ a charter school located within the school district ***or a university school for profoundly gifted pupils located within the school district*** described in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3-percent gain, basic support as computed from first-month enrollment for the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** must be increased by 2 percent.

(b) A 6-percent gain, basic support as computed from first-month enrollment for the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** exceeds the actual amount paid to the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** is less than the actual amount paid to the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** during the school year, the difference must be repaid to the State Distributive School Account in the State General Fund by the school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** before September 25.

Sec. 9. NRS 387.126 is hereby amended to read as follows:

387.126 The Superintendent of Public Instruction may in his discretion and shall when so directed by the State Board verify by independent audit or other suitable examination the reports of enrollment and daily attendance submitted by any school district **,** ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** for apportionment purposes.

Sec. 10. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in

conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school must be paid over by the State Treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the State Treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

5. Except as otherwise provided in this subsection, all school money due each university school for profoundly gifted pupils must be paid over by the State Treasurer to the governing body of the university school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 6 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the university school must be paid by the State Treasurer to the governing body of the university school on July 1, October 1, January 1 or April 1, as applicable.

Sec. 11. Chapter 392A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 17, inclusive, of this act.

Sec. 12. ***1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the school district in which the school is located for the purposes of***

apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory school attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. If a university school for profoundly gifted pupils receives money for special education program units directly from this State, the amount of money

for special education that the school district pays to the university school for profoundly gifted pupils may be reduced proportionately by the amount of money the university school received from this State for that purpose.

4. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State.

5. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

6. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised on the last day of the first school month of the school district in which the university school is located for the school year, based upon the actual number of pupils who are enrolled in the university school.

7. Pursuant to subsection 6 of NRS 387.124, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

8. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

9. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property,

buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 13. ***1. The governing body of a university school for profoundly gifted pupils shall designate a person to draw all orders for the payment of money belonging to the university school. The orders must be listed on cumulative voucher sheets.***

2. The governing body of a university school for profoundly gifted pupils shall prescribe the procedures by which the orders must be approved and the cumulative vouchers sheets signed.

3. An order for the payment of money to a member of the governing body of a university school for profoundly gifted pupils may only be drawn for salary, travel expenses, subsistence allowances or for services rendered by a member.

4. An action may not be maintained against the governing body of a university school for profoundly gifted pupils or against a university school for profoundly gifted pupils to collect upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

Sec. 14. ***1. The governing body of a university school for profoundly gifted pupils shall adopt rules for the academic advancement of pupils who are enrolled in the university school, including, without limitation, the development of a 4-year academic plan for each pupil. The rules must prescribe the conditions under which the equivalent grade level of a pupil will be identified for the purpose of administering the achievement and proficiency examinations pursuant to NRS 392A.110.***

2. On an annual basis, each university school for profoundly gifted pupils shall evaluate the progress of each pupil in satisfying the requirements set forth in the 4-year academic plan for the pupil.

3. If a pupil has successfully completed equivalent courses at a university school for profoundly gifted pupils, the pupil must be allowed to transfer the credit that he received at the university school as applicable toward promotion to the next grade at any public school in this State or toward graduation from a public high school in this State.

Sec. 15. ***The governing body of a university school for profoundly gifted pupils shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for purposes of accountability reporting for the university school.***

Sec. 16. ***1. The governing body of a university school for profoundly gifted pupils shall adopt:***

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the

university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for his removal and pending proceedings, which must be conducted as soon as practicable after removal, for his suspension or expulsion.

4. A pupil who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the governing body of the university school for such matters, be:

(a) Suspended from the university school pursuant to this section for not more than 10 days.

(b) Suspended from the university school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 17. ***1. Each applicant for employment with a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the university school a complete set of his fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history***

of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant.

4. The Superintendent of Public Instruction or his designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied. If the applicant desires employment with the university school, he shall, upon the request of the Superintendent of Public Instruction or his designee, provide any further information that the Superintendent or his designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or his designee, provide any further information that the Superintendent or his designee determines is necessary to make the determination. The Superintendent of Public Instruction or his designee shall provide written notice of the determination to the applicant and to the governing body of the university school.

5. If the Superintendent of Public Instruction or his designee determines that the conviction of the applicant is related to the position with the university school for profoundly gifted pupils for which the applicant has applied, the governing body of the university school shall not employ the applicant. If the Superintendent of Public Instruction or his designee determines that the conviction of the applicant is unrelated to the position with the university school for which the applicant has applied, the governing body of the university school may employ the applicant for that position.

Sec. 18. ~~[NRS 392A.030 is hereby amended to read as follows:~~

~~392A.030 "Profoundly gifted pupil" means a person who is under the age of 18 years:~~

~~1. Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test~~

~~approved by the governing body of the university school for profoundly gifted pupils is [at or above] *within* the 99.9th percentile; or~~

~~2. Who scores at or above the [99.9th] *highest* percentile for his age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.]~~ **(Deleted by amendment.)**

Sec. 19. NRS 392A.050 is hereby amended to read as follows:

392A.050 ~~[Notwithstanding the provisions of NRS 385.007 to the contrary,]~~ ***Pursuant to NRS 385.007,*** a university school for profoundly gifted pupils shall be deemed a public school ~~[, except that a university school for profoundly gifted pupils is not]~~ ***and is*** entitled to receive ~~[any]~~ money from the State.

Sec. 20. NRS 392A.060 is hereby amended to read as follows:

392A.060 1. Except as otherwise provided by specific statute ~~[,]~~ ***and by regulation of the State Board as determined necessary by the Superintendent of Public Instruction,*** the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils.

2. The employees of a university school for profoundly gifted pupils shall be deemed public employees.

Sec. 21. NRS 392A.080 is hereby amended to read as follows:

392A.080 1. The ~~[Except as otherwise provided by this subsection, the]~~ governing body of a university school for profoundly gifted pupils ~~[must consist]~~ ***consists*** of ~~[nine]~~ ~~[seven]~~ ***10*** members ***.*** ~~[and must include the]~~ ***The*** Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located ~~[, who]~~ ***and the superintendent of schools of the school district in which the university school for profoundly gifted pupils is located shall*** serve ex officio ~~[.]~~ ***as nonvoting advisory members of the governing body.*** The Governor ***, the Majority Leader of the Senate and the Speaker of the Assembly*** shall ***each*** appoint ~~[three members]~~ ***one voting member*** to serve ***a*** 4-year ~~[terms.]~~ ***term.*** The members appointed by the Governor ***, the Majority Leader of the Senate and the Speaker of the Assembly*** may not be ***Legislators,*** employees of the State, a municipality of the State or the Board of Regents of the University of Nevada. The remaining four ***voting*** members of the governing body ~~[shall]~~ ***must*** be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if he submits an affidavit to the Department indicating that the person has not been convicted of a felony or any crime involving moral turpitude. ~~[Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business.]~~

2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.

3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.

Sec. 22. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he ~~[scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;]~~ ***satisfies the requirements of NRS 392A.030;***

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; ~~[and]~~

(4) A transcript from each school previously attended by the applicant ~~[.]~~ ***; and***

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the

process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 23. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 186 and 291.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 222 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 243 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 252 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 269 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 291 be rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 144 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 477 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 14 be taken from the Chief Clerk's desk and placed at the top of General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 113 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblymen Oceguera and Carpenter.

Roll call on Assembly Bill No. 14:

YEAS—42.

NAYS—None.

Assembly Bill No. 14 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblymen Pierce, Goicoechea, and Leslie.

Roll call on Assembly Bill No. 113:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Assembly Bill No. 113 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 15:
YEAS—42.
NAYS—None.
Assembly Bill No. 15 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 25.
Bill read third time.
Remarks by Assemblymen Conklin, Settelmeyer, Horne, and Oceguera.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Mabey moved that Assembly Bill No. 67 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 67:
YEAS—42.
NAYS—None.
Assembly Bill No. 67 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 79.
Bill read third time.
Remarks by Assemblymen Koivisto and Hardy.
Roll call on Assembly Bill No. 79:
YEAS—38.
NAYS—Beers, Christensen, Hardy, Stewart—4.
Assembly Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 88.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 88:
YEAS—42.
NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblymen Conklin, Carpenter, and Kirkpatrick.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 103 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Assembly Bill No. 216:
YEAS—34.
NAYS—Beers, Cobb, Goedhart, Mabey, Marvel, Stewart, Weber—7.
NOT VOTING—Carpenter.
Assembly Bill No. 216 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 235.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 235:
YEAS—42.
NAYS—None.
Assembly Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblymen Segerblom and Carpenter.
Roll call on Assembly Bill No. 248:
YEAS—27.
NAYS—Beers, Buckley, Carpenter, Christensen, Cobb, Gansert, Hardy, Leslie, Marvel, Mortenson, Parnell, Settelmeyer, Smith, Stewart, Weber—15.
Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblymen Segerblom and Goicoechea.
Roll call on Assembly Bill No. 267:
YEAS—42.
NAYS—None.
Assembly Bill No. 267 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 428.
Bill read third time.
Remarks by Assemblyman Parks.
Roll call on Assembly Bill No. 428:
YEAS—42.
NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 534:

YEAS—42.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 541:

YEAS—42.

NAYS—None.

Assembly Bill No. 541 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 542:

YEAS—42.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day, he would move to reconsider the vote whereby Assembly Bill No. 248 was this day passed.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 9.

The following Senate amendment was read:

Amendment No. 26.

AN ACT relating to mortgage agents; authorizing a natural person to be licensed as a mortgage agent on behalf of a corporation or limited-liability

company under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes a natural person who is qualified to be licensed as a mortgage agent under existing law to be issued such a license on behalf of a professional corporation of which he is the sole shareholder or on behalf of a limited-liability company of which he is the manager.

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any natural person who meets the qualifications of a mortgage agent and:

(a) Except as otherwise provided in subsection 2, is the sole shareholder of a corporation organized pursuant to the provisions of chapter 89 of NRS; or

(b) Is the manager of a limited-liability company organized pursuant to the provisions of chapter 86 of NRS,

➥ may be licensed on behalf of the corporation or limited-liability company for the purpose of associating with a licensed mortgage broker in the capacity of a mortgage agent.

2. The spouse of the owner of the corporation who has a community interest in any shares of the corporation shall not be deemed a second shareholder of the corporation for the purposes of paragraph (a) of subsection 1, if the spouse does not vote any of those shares.

3. A license issued pursuant to this section entitles only the sole shareholder of the corporation or the manager of the limited-liability company to act as a mortgage agent, and only as an officer or agent of the corporation or limited-liability company and not on his own behalf. The licensee shall not do or deal in any act, acts or transactions included within the definition of a mortgage ~~[agent]~~ ***broker in NRS*** ~~[645B.0125,]~~ ***645B.0127, except as that activity is permitted pursuant to this chapter to licensed mortgage agents.***

4. The corporation or limited-liability company shall, within 30 days after a license is issued on its behalf pursuant to this section and within 30 days after any change in its ownership, file an affidavit with the Division stating:

(a) For a corporation, the number of issued and outstanding shares of the corporation and the names of all persons to whom the shares have been issued.

(b) For a limited-liability company, the names of members who have an interest in the company.

5. A license issued pursuant to this section automatically expires upon:

(a) The death of the licensed shareholder in the corporation or the manager of the limited-liability company; or

(b) The issuance of shares in the corporation to more than one person other than the spouse.

6. This section does not alter any of the rights, duties or liabilities which otherwise arise in the legal relationship between a mortgage broker or mortgage agent and a person who deals with him.

Sec. 2. ~~[NRS 645B.0123 is hereby amended to read as follows:~~

~~645B.0123 ”Licensee” means a person who is licensed as a mortgage broker pursuant to this chapter. The term does not include a person issued a license as a mortgage agent pursuant to NRS 645B.410 [.] *or section 1 of this act.*]~~ ***(Deleted by amendment.)***

Sec. 3. This act becomes effective on July 1, 2007.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 9.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 607.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of Youth Voice: Justin McCrary, Melissa Hamilton, Sarah Cocanour, Lizeth Ramirez, Edson Almacher, Anita Hawkins, Brittany Stevenson, Tara Seachris, Nancy Burrows, Matt Ford, Kyle Young, Austen Walsh, Brian Bosma, Gabe Legorburu, Chris Schwartz, Jaryd Neiman, Sean Neely, Greg Lintz, Kassi Mast, Darby Dickton, Eric Lee, Shobian Flinn, Sinead Camilo, Austin Wallis, Amy O’Brien, Marissa Houk, Morgan Holmgren, Ali Cernoch, Becky Tachihara, America Acevedo, Emerson Acevedo, Sari Carter, Michele Casbarro, Kyle Swanson, Brook Lawrence, Nick Chrysanthou, Kalie Sawyer, Taylor Echieverra, Alejandra Reyes, Jasmine Aguirre, Emily Stetson, Carl Hernandez, Destiny Casci, Adam Solinger and Ryan Keating.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Mexican American Legal Defense Education Fund: Maria Reyes, Claudia Martinez, Margarita Salas, Amelia Isiordia, Rosario Valdez, Angie De La Cruz, Oscar Lopez, and Mary Anne Read.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kidding Around Preschool:

Jordan Clements, Jessica Clements, Makayla Peden, Alexa Martin, Cole Johnson, Nathan Reynolds, Cynthia Crittenden, Sasha Handschuh, Rylan Howell, Ben Larkin, Lilly Malone, McKenzie Repp, Trey Tonzi, Hailee Whitten, Johnny Morrison, Daniel Campbell, Terra Maddox, Tonya clements, Jennifer Rogacs, Savannah Carlon, Tifany Fraker, Rochell Rysdam, and Melissa Peden.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and teachers of Robert Mitchell Elementary School: Monica Baldwin, Joey Castill-Meza, Elba Centeno, Celeste Cortes, John'ne Craig, Joseph Dominguez, Antonio Garcia, Rachel Goodwin, Thomas Guerrero-Bonilla, Soledad Martinez, Ruben Pacheco, Edgar Parra Sambrano, Parsh Patel, Michelle Quintero, Phoenix Robinson, Dilon Cattanach, Tony Martinez-Vincent, Cameron Stewart, Jareth Trottot, Ericka Thrasher, Daniel Sandoval, Beatriz Adame, Haley Brown, Rafael Cerrillo, Sandy Espino, Devon Fox Rhyner, Gregorio Garcia Luna, Danny Gomez, Ashley Goodale, Adilene Hernandez Reyes, Dalisha Kindle, Chase Kynast, J'Quan Lee, Dustin Lemons, Edgar Leon, Vanessa Orellana, David Ortega, Dayanna Parra Sambrano, Eddy Pichardo, Armando Reyes, Jasmine Scott, Jeremy Soriano, Ashley Walker, Bob Wing, and Jonathan Lomeli.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, April 18, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 1:35 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly