THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 14, 2009

Assembly called to order at 11: 24 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Christensen, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We thank You, Lord, that there is no weather in heaven. Let not the dullness of this day get into our hearts or minds. May we be warm and cheerful, secure in the knowledge that You are still here, that no clouds can blot You out, nor rain drive You away.

As winter lingers and blows her icy breath along the city's streets, our love goes out to all who need encouragement, to all who lack food and clothing, to all who are cold and cheerless, to all who long for home and friendship. Help us, in our blessedness, to be more willing to share the good things of life. Give us generosity and that concern for others that shall mark us as Your disciples.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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 were referred Assembly Bills Nos. 71, 314, 338, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 56, 155, 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 were referred Assembly Bills Nos. 190, 293 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 97, 226, 305, 331, 377, 480, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 20, 89, 123, 263, 364, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was rereferred Assembly Bills No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 59, 63, 116, 204, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 99, 105, 230, 311, 475, 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, *Chairman*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 267, 369 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 39; Assembly Joint Resolution No. 3 of the 74th Session; Senate Bills Nos. 158, 174, 222, 231, 249, 277, 302, 307, 333, 336, 342, 344, 392; Senate Joint Resolution No. 8; Senate Joint Resolution No. 3 of the 74th Session.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 216, Amendment No. 96, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 62, 76, 94, 108, 125, 131, 134, 144, 162, 164, 170, 204, 217, 238, 240, 244, 287, 313, 317, 334; Senate Joint Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 20, 56, 59, 63, 71, 89, 97, 99, 105, 116, 123, 155, 190, 204, 226, 230, 251, 263, 267, 293, 305, 311, 314, 331, 338, 359, 364, 369, 377, 433, 475, 480, 493, 512 just reported out of committee, be placed on the appropriate reading file.

Motion carried.

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

Motion carried.

Senate Joint Resolution No. 1.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 8.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 3 of the 74th Session.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

NOTICE OF EXEMPTION

April 13, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 7, 17, 236, 294, and 311.

GARY GHIGGERI
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator Horsford.

For: Senate Bill No. 288.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Has been granted effective: Friday, April 10, 2009.

STEVEN A. HORSFORD
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 62.

Assemblyman Oceguera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 76.

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

Motion carried.

Senate Bill No. 94.

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

Motion carried.

Senate Bill No. 108.

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

Motion carried.

Senate Bill No. 125.

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

Motion carried.

Senate Bill No. 131.

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

Motion carried.

Senate Bill No. 134.

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

Motion carried.

Senate Bill No. 144.

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

Motion carried.

Senate Bill No. 158.

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

Motion carried.

Senate Bill No. 162.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 164.

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

Motion carried.

Senate Bill No. 170.

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

Motion carried.

Senate Bill No. 174.

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

Motion carried.

Senate Bill No. 204.

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

Motion carried.

Senate Bill No. 217.

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

Motion carried.

Senate Bill No. 222.

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

Motion carried.

Senate Bill No. 231.

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

Motion carried.

Senate Bill No. 238.

Assemblyman Oceguera moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 240.

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

Motion carried.

Senate Bill No. 244.

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

Motion carried.

Senate Bill No. 249.

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

Motion carried.

Senate Bill No. 277.

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

Motion carried.

Senate Bill No. 287.

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

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 307.

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

Motion carried.

Senate Bill No. 313.

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

Motion carried.

Senate Bill No. 317.

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

Motion carried.

Senate Bill No. 333.

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

Motion carried.

Senate Bill No. 334.

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

Motion carried.

Senate Bill No. 336.

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

Motion carried.

Senate Bill No. 342.

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

Motion carried.

Senate Bill No. 344.

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

Motion carried.

Senate Bill No. 392.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 42 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 313 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 297 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 302.

AN ACT relating to education; authorizing the issuance and renewal of a special qualifications license to certain applicants who hold a bachelor's degree; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree, a graduate degree or a doctoral degree in a field for which the applicant will provide instruction in a classroom and who meets certain other requirements. An applicant for a special qualifications license who holds a graduate degree must also submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school. (NRS 391.019) This bill expands the issuance of a special qualifications license to applicants who hold a bachelor's degree. This bill requires such an applicant who holds a bachelor's degree to participate in a program of student teaching or mentoring or to agree to participate in a program of mentoring **or courses of pedagogy** for the first 2 years of his employment as a teacher with a school district or charter school.

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

Section 1. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a ***bachelor's degree, a*** master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ ***An applicant for licensure pursuant to this subparagraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of his employment as a teacher with a school district or charter school.***

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the ***bachelor's degree,*** master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the ***bachelor's degree,*** master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a ***bachelor's degree or a*** graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school ~~[.]~~ ***if he holds a graduate degree or, if he holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his employment as a teacher with a school district or charter school.***

➥ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(11) If the Commission approves the Passport to Teaching certification from the American Board for Certification of Teacher Excellence as an alternative route to licensure, providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a Passport to Teaching certification from the American Board for Certification of Teacher Excellence;

(II) Passes each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; and

(III) Agrees to participate in a program of mentoring prescribed by the Commission for the first year of his employment as a teacher with a school district or charter school.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7), (10) or (11) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a ***bachelor's degree, a*** master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ ***An applicant for licensure pursuant to this subparagraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of his employment as a teacher with a school district or charter school.***

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the ***bachelor's degree,*** master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the ***bachelor's degree,*** master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a ***bachelor's degree or a*** graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school ~~[.]~~ ***if he holds a graduate degree or, if he holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his employment as a teacher with a school district or charter school.***

➥ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2009.

2. Section 1 of this act expires by limitation on June 30, 2011.

3. Section 2 of this act becomes effective on July 1, 2011.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 223.

AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are ready for postsecondary education and the workplace; revising provisions governing the academic plans for ninth grade pupils; requiring instruction on financial responsibility in high school; authorizing the issuance of an adjusted adult diploma for certain persons; requiring peer ~~[and adult]~~ mentoring for ninth grade pupils; requiring school districts to adopt a policy for the remediation of deficient credits; requiring school districts to adopt a policy for pupils to report unlawful activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in high schools to be adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Existing law requires the board of trustees of a school district to adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. (NRS 388.205) **Section 5** of this bill requires the policy to ensure that each ninth grade pupil and his parent or legal guardian are adequately notified of certain courses and programs available to the pupil which will assist in the advancement of the education of the pupil as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates as a high school to ensure that instruction on financial responsibility is provided to pupils enrolled in the public high schools in each school district and in each charter school that operates as a high school.

Existing law provides that a pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive an adjusted diploma if he satisfies the requirements set forth in his individualized education program. (NRS 389.805) **Section 7** of this bill **requires the State Board of Education to create an adjusted adult diploma and** provides that a pupil who was identified as a pupil with a disability and who did not graduate before the age of 22 years may receive an adjusted adult diploma under certain circumstances.

Section 9 of this bill requires the board of trustees of each school district to adopt a policy for a program of peer ~~[and adult]~~ mentoring **, which may include a component of adult mentoring,** designed to assist the ninth grade pupils in the transition from middle school or junior high school to high school.

Section 10 of this bill requires the board of trustees of each school district to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school has sufficient opportunities ~~[during the school day]~~ to remediate his deficient credits.

Section 11 of this bill requires the board of trustees of each school district to adopt a policy that allows pupils enrolled in a school within the school district to report, anonymously if the pupils choose, any unlawful activities that are being conducted on school property, at an activity sponsored by a public school or on a school bus, commonly referred to as a "secret witness program."

Section 16 of this bill repeals NRS 392.090, 392.100 and 392.110, relating to the exemption of certain children from compulsory school attendance.

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 Department shall work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. The Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 2. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community

college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4) An adjusted adult diploma.***

~~[(4)]~~ ***(5)*** A certificate of attendance.

(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; ~~[and]~~

(4) ***Adjusted adult diploma;*** ~~*[and]*~~

(5) Certificate of attendance; ***and***

(6) Certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information

that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a

change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4) An adjusted adult diploma.***

~~[(4)]~~ ***(5)*** A certificate of attendance.

(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or

recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. ***The policy must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are adequately notified and informed of the following information:***

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist in the advancement of the education of the pupil;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available; ~~*[and]*~~

(c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship ~~*[.]*~~ ***; and***

(d) To the extent available, programs offered by charter schools within the school district.

3. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) ~~[Work in]~~ ***Be notified of opportunities to work in*** consultation with a school counselor to develop ***and review*** an academic plan for the pupil; ***and***

(b) ~~[Sign the academic plan; and~~

~~(c)]~~ Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

~~[3.]~~ ***4.*** If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~[4.]~~ ***5.*** An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall ensure that instruction on financial responsibility is provided to pupils in each public high school within the school district or in the charter school, as applicable. The instruction must include:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences to those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Developing communication strategies to discuss financial issues;

(4) Controlling personal information; and

(5) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(3) Describing the rights of a borrower regarding his credit report;

(4) Identifying methods to avoid and resolve debt problems; and

(5) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments; and

(4) Understanding how the regulation of financial institutions protects investors.

2. The instruction required by subsection 1 may be included within a course that pupils enrolled in high school are otherwise required to complete.

Sec. 7. NRS 389.805 is hereby amended to read as follows:

389.805 1. A pupil must receive a standard high school diploma if he:

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than three times before beginning grade 12 and the pupil:

(1) Passes the subject areas of mathematics and reading on the proficiency examination;

(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection ~~[3,]~~ ***4;*** and

(4) Otherwise satisfies the requirements for graduation from high school.

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if he satisfies the requirements set forth in his individualized education program. ~~[As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).]~~

3. ***The State Board shall prescribe an adjusted adult diploma. A person who did not satisfy the requirements for receipt of a standard high school diploma or an adjusted diploma may receive an adjusted adult diploma if he:***

(a) Was identified as a pupil with a disability and received instruction pursuant to an individualized education program;

(b) Did not graduate before attaining the age of 22 years;

(c) Except as otherwise provided in paragraph (d), meets all of the current requirements for graduation; and

(d) Has taken the high school proficiency examination administered pursuant to NRS 389.015 at least one time but failed to pass the examination in its entirety.

4. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:

(a) An essay;

(b) A senior project; or

(c) A portfolio of work,

➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.

5. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 8. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. ***1. The board of trustees of each school district shall adopt a policy for the high schools within the school district to provide a program of peer*** ~~*[and]*~~ ***mentoring, which may include a component of adult mentoring , designed to increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school.***

2. The principal of each high school shall:

(a) Carry out a program of ~~*[peer and adult]*~~ ***mentoring for the ninth grade pupils enrolled in the high school in accordance with the policy adopted by the board of trustees pursuant to subsection 1;***

(b) Submit an annual report to the board of trustees on:

(1) The specific activities of the program of ~~[peer and adult]~~ mentoring; and

(2) The effectiveness of the program of ~~[peer and adult]~~ mentoring in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school.

3. This section does not prohibit the principal of a high school from continuing any other similar program of mentoring that the high school currently provides in a manner that is consistent with the policy prescribed by the board of trustees.

Sec. 10. ***The board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities ~~[during the school day]~~ , including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits.***

Sec. 11. ***1. The board of trustees of each school district shall adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy must include, without limitation:***

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist in the implementation of the policy adopted pursuant to subsection 1.

3. Each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods to make a report. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. The board of trustees of each school district shall post the policy on the Internet website maintained by the school district.

Sec. 12. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to ***this section or*** NRS 392.070 ~~[, 392.100 or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal

guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his contract with the entity is under negotiation.

2. ***The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full-time attendance.*** If such a child is exempt from ~~[compulsory]~~ attendance pursuant to ~~[NRS 392.100 or 392.110,]~~ ***this subsection,*** the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.080,*** inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.080,*** inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[392.110,]~~ ***392.080,*** inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16. NRS 392.090, 392.100 and 392.110 are hereby repealed.

Sec. 17. This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or his parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his own or his parent's support.

392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 285.

AN ACT relating to care facilities; requiring a licensee or applicant for a license to operate a home for individual residential care to comply with certain provisions concerning the criminal history of the licensee or applicant and any employee or independent contractor of the home; revising provisions

concerning crimes which constitute grounds for the revocation, denial or suspension of a license to operate such a home or certain other agencies and facilities or the termination of their employees or independent contractors; requiring such a home to file a surety bond with the Administrator of the Health Division of the Department of Health and Human Services or deposit with a bank or trust company certain obligations as a substitute for the surety bond; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill expands the applicability of certain statutory requirements that currently apply to certain agencies and facilities that are licensed by the Health Division of the Department of Health and Human Services.

Section 1 of this bill requires a home for individual residential care that submits a reapplication for licensure to the Health Division to include a statement that the home is in compliance with certain provisions concerning investigations of the criminal history of its employees and independent contractors. (NRS 449.060)

Section 2 of this bill requires such a home to file a surety bond with the Health Division. The required amount of the bond ranges from $5,000 to $50,000, depending on the number of persons who are employed by the home. The Administrator of the Health Division may exempt a home from this requirement based on undue hardship. (NRS 449.065) In lieu of a surety bond, **section 3** of this bill authorizes a home, with the approval of the Administrator, to deposit certain obligations with a bank or trust company. (NRS 449.067) **Section 9** of this bill authorizes payment from the surety bond or the substitute for the surety bond if a patient who is 60 years of age or older (NRS 449.063) sustains damage to his property as a result of any act or failure to act by the home. (NRS 427A.175)

Section 4 of this bill requires an applicant for a license to operate an agency to provide personal care services in the home or a home for individual residential care to submit to the Central Repository for Nevada Records of Criminal History two complete sets of the fingerprints of the applicant. (NRS 449.176) **Section 5** of this bill imposes a similar requirement on a home for individual residential care with respect to any person it hires or independent contractor with whom it contracts. (NRS 449.179)

Existing law sets forth certain crimes that are grounds for the denial, suspension or revocation of a license to operate certain facilities that are licensed by the Health Division. **Section 8** of this bill expands the list of crimes to include certain sexually related crimes, crimes involving domestic violence and other crimes involving the use or threat of use of force or violence against the victim and makes the provisions of the section applicable to a home for individual residential care. (NRS 449.188) **Section 7** of this bill requires that such a home terminate the employment or contract of any of its employees or independent contractors who are convicted of a crime specified in **section 8**. (NRS 449.185)

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

Section 1. NRS 449.060 is hereby amended to read as follows:

449.060 1. Each license issued pursuant to NRS 449.001 to 449.240, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a ~~[residential]~~ facility for intermediate care, a facility for skilled nursing **,** ~~[or]~~ a residential facility for groups ***or a home for individual residential care*** must include, without limitation, a statement that the facility **,** ~~[or]~~ agency ***or home*** is in compliance with the provisions of NRS 449.173 to 449.188, inclusive.

Sec. 2. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, residential facility for groups, ***home for individual residential care,*** agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Health Division a surety bond:

(a) If the facility **,** ~~[or]~~ agency ***or home*** employs less than 7 employees, in the amount of $5,000;

(b) If the facility **,** ~~[or]~~ agency ***or home*** employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the facility **,** ~~[or]~~ agency ***or home*** employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the facility **,** ~~[or]~~ agency ***or home*** as principal and by a surety company as surety. The bond must be payable to the Aging Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Specialist for the Rights of Elderly Persons determines has suffered property damage as a result of any act or failure to act by the facility **,** ~~[or]~~ agency ***or home*** to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Health Division, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility **,** ~~[or]~~ agency ***or home*** to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility **,** ~~[or]~~ agency ***or home*** is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the Health Division shall give the facility **,** ~~[or]~~ agency ***or home*** at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the Health Division may exempt a residential facility for groups ***or a home for individual residential care*** from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the residential facility for groups ~~[.]~~ ***or home for individual residential care.***

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, residential facility for groups, ***home for individual residential care,*** agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

Sec. 3. NRS 449.067 is hereby amended to read as follows:

449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, ***a home for individual residential care,*** an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Health Division:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Health Division, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging Services Division.

Sec. 4. NRS 449.176 is hereby amended to read as follows:

449.176 1. Each applicant for a license to operate a facility for intermediate care, facility for skilled nursing **,** ~~[or]~~ residential facility for groups ***, agency to provide personal care services in the home or home for individual residential care*** shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the administrator of the facility, ***agency or home,*** if any, and the Health Division of whether the applicant has been convicted of such a crime.

Sec. 5. NRS 449.179 is hereby amended to read as follows:

449.179 1. Except as otherwise provided in subsection 2, within 10 days after hiring an employee or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing **,** ~~[or]~~ a residential facility for groups ***or a home for individual residential care*** shall:

(a) Obtain a written statement from the employee or independent contractor stating whether he has been convicted of any crime listed in NRS 449.188;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c).

2. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing **,** ~~[or]~~ a residential facility for groups ***or a home for individual residential care*** is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his criminal history has been conducted by the Central Repository for Nevada Records of Criminal History within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in NRS 449.188.

3. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing **,** ~~[or]~~ a residential facility for groups ***or a home for individual residential care*** shall ensure that the criminal history of each employee or independent contractor who works at the agency or facility is investigated at least once every 5 years. The administrator or person shall:

(a) If the agency **,** ~~[or]~~ facility ***or home*** does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History.

4. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee or independent contractor has been convicted of a crime listed in NRS 449.188 and immediately inform the Health Division and the administrator of, or the person licensed to operate, the agency **,** ~~[or]~~ facility ***or home*** at which the person works whether the employee or independent contractor has been convicted of such a crime.

5. The Central Repository for Nevada Records of Criminal History may impose a fee upon an agency **,** ~~[or]~~ a facility ***or a home*** that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The agency **,** ~~[or]~~ facility ***or home*** may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the agency **,** ~~[or]~~ facility ***or home*** requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

Sec. 6. NRS 449.182 is hereby amended to read as follows:

449.182 Each agency to provide personal care services in the home, agency to provide nursing in the home, facility for intermediate care, facility for skilled nursing **,** ~~[and]~~ residential facility for groups ***and home for individual residential care*** shall maintain accurate records of the information concerning its employees and independent contractors collected pursuant to NRS 449.179 ~~[,]~~ and shall maintain a copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History and proof that it submitted two sets of fingerprints to the Central Repository for its report. These records must be made available for inspection by the Health Division at any reasonable time **,** and copies thereof must be furnished to the Health Division upon request.

Sec. 7. NRS 449.185 is hereby amended to read as follows:

449.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.179, or evidence from any other source, that an employee or independent contractor of an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing **,** ~~[or]~~ a residential facility for groups ***or home for individual residential care*** has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188, the administrator of, or the person licensed to operate, the agency **,** ~~[or]~~ facility ***or home*** shall terminate the employment or contract of that person after allowing him time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor believes that the information provided by the Central Repository is incorrect, he may immediately inform the agency **,** ~~[or]~~ facility ~~[.]~~ ***or home.*** An agency **,** ~~[or]~~ facility ***or home*** that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An agency **,** ~~[or]~~ facility ***or home*** that has complied with NRS 449.179 may not be held civilly or criminally liable based solely upon the ground that the agency **,** ~~[or]~~ facility ***or home*** allowed an employee or independent contractor to work:

(a) Before it received the information concerning the employee or independent contractor from the Central Repository;

(b) During any period required pursuant to subsection 2 to allow the employee or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ An agency **,** ~~[or]~~ facility ***or home*** may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 8. NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a facility for intermediate care, facility for skilled nursing **,** ~~[or]~~ residential facility for groups ***or home for individual residential care*** to an applicant or may suspend or revoke the license of a licensee to operate such a facility ***or home*** if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness ~~[,]~~ ***or*** indecent exposure **,** or any other sexually related crime ~~[;]~~ ***that is punished as a felony;***

(4) ***Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;***

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

~~[(5)]~~ ***(8)*** A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the ~~[past]~~ ***immediately preceding*** 7 years;

~~[(6)]~~ ***(9)*** Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

~~[(7)]~~ ***(10)*** A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

~~[(8)]~~ ***(11)*** A violation of any provision of NRS 422.450 to 422.590, inclusive;

~~[(9)]~~ ***(12)*** A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

~~[(10)]~~ ***(13)*** Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; ~~[or]~~

~~[(11)]~~ ***(14)*** Any other felony involving ***the use or threatened use of force or violence against the victim or*** the use of a firearm or other deadly weapon ~~[,]~~ ~~[.]~~ ***; or***

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years; or

(b) The licensee has, in violation of NRS 449.185, continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate an agency to provide personal care services in

the home or an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has, in violation of NRS 449.185, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) ***"Domestic violence" means an act described in NRS 33.018.***

(b) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

~~[(b)]~~ ***(c)*** "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 9. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, ***a home for individual residential care,*** an agency to provide personal care services in the home, an intermediary service organization or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, ***home,*** agency, organization or older patient may request a hearing before the Specialist for the Rights of Elderly Persons. If requested, the Specialist for the Rights of Elderly Persons shall conduct a hearing to determine whether the facility, ***home,*** agency or organization is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility, ***home,*** agency or organization is liable for damages to the patient, he shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021;

(c) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

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

(e) ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105;***

(f) "Intermediary service organization" has the meaning ascribed to it in NRS 426.218;

~~[(f)]~~ ***(g)*** "Older patient" has the meaning ascribed to it in NRS 449.063; and

~~[(g)]~~ ***(h)*** "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 10. This act becomes effective on January 1, 2010.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 303.

AN ACT relating to education; revising provisions governing the use of physical restraint and mechanical restraint on pupils with disabilities; revising provisions relating to reports of the use of restraints and reports of violations; **providing for the reporting of the use of corporal punishment on a pupil in public school;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prescribes the requirements for the use of physical restraint on a pupil with a disability enrolled in a public school or private school, including an exception to escort or carry a pupil to safety if the pupil is in danger. (NRS 388.5275, 394.368) Sections 1 and 4 of this bill revise the exception for escorting or carrying a pupil by removing the provision that the pupil may be escorted or carried only if he is in danger. Sections 1 and 4 also revise the deadline for reporting the use of physical restraint in an emergency from 1 working day to 3 working days after the use of the restraint.]~~ **Existing law prescribes the requirements for the use of physical restraint or mechanical restraint on a pupil with a disability who is enrolled in a public school or a private school. (NRS 388.521-388.5315, 394.353-394.378) Sections 1 and 7 of this bill require each school district and each private school which provides services to pupils with disabilities to submit annual reports to the Department of Education on the use of physical restraint and mechanical restraint on pupils with disabilities during the previous school year.**

Sections 3, 4, 9 and 10 of this bill provide that if physical restraint or mechanical restraint is used on a pupil with a disability three times during 1 school year, the circumstances of the restraint must be reviewed and reported. If such restraint is used five times during 1 school year, the pupil's individualized education program or the pupil's services plan, as applicable, developed pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., must be reviewed. If the restraint continues after such a review, the school district or private

school, as applicable, and the pupil's parent or legal guardian must explore additional positive behavioral approaches so that the restraint does not continue. (NRS 388.5275, 388.528, 394.368, 394.369)

Existing law prescribes the requirements for the use of mechanical restraint on a pupil with a disability enrolled in a public school or private school, including a requirement that the pupil's physician issue a medical order authorizing the use of mechanical restraint before the application of the restraint or not later than 15 minutes after the application of the restraint. (NRS 388.528, 394.369) **Sections ~~[2 and 5]~~ 4 and 10** of this bill eliminate the requirement of a medical order for each application of the mechanical restraint and instead require that a medical order authorizing the use of mechanical restraint be included in the pupil's individualized education program or the pupil's services plan, as applicable **. ~~[~~, ~~developed pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. Sections 2 and 5 also revise the deadline for reporting the use of mechanical restraint in an emergency from 1 working day to 3 working days after the use of the restraint.~~]**

Existing law provides that corporal punishment may not be used on a pupil in any public school. (NRS 392.4633) Section 6 of this bill provides that a person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency finds that the report is substantiated, the agency shall forward the report to the Department, local law enforcement agency and the county district attorney for further investigation.

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

Section 1. **Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:

(a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;

(b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 388.521 to 388.5315, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.

2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the Legislative Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

~~[Section 1.]~~ ***Sec. 2.*** **NRS 388.521 is hereby amended to read as follows:**

388.521 As used in NRS 388.521 to 388.5315, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.5215 to 388.526, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 388.5275 is hereby amended to read as follows:

388.5275 1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry ~~[a]~~ ***the*** pupil ~~*[,]*~~ to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 ~~*[3]*~~ working day ~~*[days]*~~ after the procedure is used. A copy of the report must be provided to the board of trustees of the school district ~~[,]~~ ***or its designee,*** the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees ***or its designee*** determines that a denial of the pupil's rights has occurred, the board of trustees ~~[may]~~ ***or its designee shall*** submit a report to the Department in accordance with NRS 388.5315.

4. If a pupil with a disability has three reports of the use of physical restraint in his record pursuant subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report to the school district on its findings.

5. If a pupil with a disability has five reports of the use of physical restraint in his record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil's individualized education program has been reviewed, the school district and the parent or legal guardian of the pupil shall consider additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, behavioral assessment, a positive behavior plan and positive behavioral supports.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 388.528 is hereby amended to read as follows:

388.528 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint ~~[is obtained]~~ from the pupil's treating physician ***is included in the pupil's individualized education program*** before the application of the mechanical restraint ***;*** ~~[or not later than 15 minutes after the application of the mechanical restraint;]~~

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable ~~[,]~~ ***after the application of the mechanical restraint;***

(d) The mechanical restraint is applied by a member of the staff of the school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the school who applied the mechanical restraint;

(h) A member of the staff of the school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a pupil; or

(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's individualized education program.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record and a confidential file maintained for the pupil not later than 1 ~~[3]~~ working day ~~[days]~~ after the procedure is used. A copy of the report must be provided to the board of trustees of the school district ~~[,]~~ ***or its designee,*** the pupil's individualized education program team and the parent or guardian of the pupil. If the board of trustees ***or its designee*** determines that a denial of the pupil's rights has occurred, the board of trustees ~~[may]~~ ***or its designee shall*** submit a report to the Department in accordance with NRS 388.5315.

4. If a pupil with a disability has three reports of the use of mechanical restraint in his record pursuant to subsection 3 in 1 school year, the school district shall notify the school in which the pupil is enrolled to review the circumstances of the use of the restraint on the pupil and provide a report of its findings to the school district.

5. If a pupil with a disability has five reports of the use of mechanical restraint in his record pursuant to subsection 3 in 1 school year, the pupil's individualized education program must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil's individualized education program has been reviewed, the

school district and the parent or legal guardian of the pupil shall consider additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, behavioral assessment, a positive behavior plan and positive behavioral supports.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 388.5315 is hereby amended to read as follows:

388.5315 1. A denial of rights of a pupil with a disability pursuant to NRS 388.521 to 388.5315, inclusive, ***and section 1 of this act*** must be entered in the pupil's cumulative record and a confidential file maintained for that pupil. Notice of the denial must be provided to the board of trustees of the school district ~~[.]~~ ***or its designee.***

2. If the board of trustees of a school district ***or its designee*** receives notice of a denial of rights pursuant to subsection 1, ~~[it]~~ ***the board of trustees or its designee*** shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. A copy of the report must be provided to the Department.

3. The Department:

(a) Shall receive reports made pursuant to subsection 2;

(b) May investigate apparent violations of the rights of pupils with disabilities; and

(c) May act to resolve disputes relating to apparent violations.

Sec. 6. **NRS 392.4633 is hereby amended to read as follows:**

392.4633 1. Corporal punishment ~~[may]~~ ***must*** not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any teacher, principal or other licensed person from defending himself if attacked by a pupil.

3. ***A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.***

4. As used in this section ~~[, "corporal punishment"]~~ **:**

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Corporal punishment" means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

~~[(a)]~~ ***(1)*** To quell a disturbance that threatens physical injury to any person or the destruction of property;

~~[(b)]~~ ***(2)*** To obtain possession of a weapon or other dangerous object within a pupil's control;

~~[(c)]~~ ***(3)*** For the purpose of self-defense or the defense of another person; or

~~[(d)]~~ ***(4)*** To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Sec. 7. **Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The administrative head of each private school that provides instruction to pupils with disabilities shall, on or before August 15 of each year, prepare a report that includes, without limitation:

(a) The number of instances in which physical restraint was used at the private school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the private school and per pupil enrolled at the private school without disclosing personally identifiable information about the teacher or the pupil;

(b) The number of instances in which mechanical restraint was used at the private school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the private school and per pupil enrolled at the private school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 394.353 to 394.378, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the private school and per pupil enrolled at the private school.

2. On or before August 15 of each year, the administrative head of each private school that provides instruction to pupils with disabilities shall submit to the Department the report prepared pursuant to subsection 1. The report must be in the form prescribed by the Department.

3. The Department shall compile the data submitted by each private school pursuant to subsection 2 and prepare a written report of the compilation, disaggregated by each private school. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the Legislative Committee on Education.

4. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

Sec. 8. **NRS 394.353 is hereby amended to read as follows:**

394.353 As used in NRS 394.353 to 394.378, inclusive, ***and section 7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 394.354 to 394.365, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 4.]~~ ***Sec. 9.*** NRS 394.368 is hereby amended to read as follows:

394.368 1. Except as otherwise provided in subsection 2, physical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate

threat of causing physical injury to himself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the pupil in completing a task or response if the pupil does not resist the application of physical restraint or if his resistance is minimal in intensity and duration;

(b) Escort or carry ~~[~~a~~]~~ ***the*** pupil ~~*[,]*~~ to safety if the pupil is in danger in his present location; or

(c) Conduct medical examinations or treatments on the pupil that are necessary.

3. If physical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 ~~*[3]*~~ working day ~~*[days]*~~ after the procedure is used. A copy of the report must be provided to the Superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a report to the Superintendent in accordance with NRS 394.378.

4. If a pupil with a disability has three reports of the use of physical restraint in his record pursuant to subsection 3 in 1 school year, the private school in which the pupil is enrolled shall review the circumstances of the restraint on the pupil and report its findings to the Superintendent.

5. If a pupil with a disability has five reports of the use of physical restraint in his record pursuant to subsection 3 in 1 school year, the pupil's individualized education program or the pupil's services plan, as applicable, must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1414 et seq., and the regulations adopted pursuant thereto. If physical restraint continues after the pupil's individualized education program or services plan has been reviewed, the private school and the parent or legal guardian of the pupil shall consider additional methods that are appropriate for the pupil to ensure that restraint does not continue, including, without limitation, mentoring, training, behavioral assessment, a positive behavior plan and positive behavioral supports.

~~[~~Sec. 5.~~]~~ ***Sec. 10.*** NRS 394.369 is hereby amended to read as follows:

394.369 1. Except as otherwise provided in subsection 2, mechanical restraint may be used on a pupil with a disability only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint ~~[~~is obtained~~]~~ from the pupil's treating physician ***is included in the pupil's***

services plan developed pursuant to 34 C.F.R. 300.138 or the pupil's individualized education program, whichever is appropriate, before the application of the mechanical restraint ***;*** ~~[or not later than 15 minutes after the application of the mechanical restraint;]~~

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the pupil as soon as practicable after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the private school who is trained and qualified to apply mechanical restraint;

(e) The pupil is given the opportunity to move and exercise the parts of his body that are restrained at least 10 minutes per every 60 minutes of restraint, unless otherwise prescribed by the physician who signed the order;

(f) A member of the staff of the private school lessens or discontinues the restraint every 15 minutes to determine whether the pupil will stop or control his inappropriate behavior without the use of the restraint;

(g) The record of the pupil contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the pupil and the response of the member of the staff of the private school who applied the mechanical restraint;

(h) A member of the staff of the private school continuously monitors the pupil during the time that mechanical restraint is used on the pupil; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the pupil so that the pupil is no longer an immediate threat of causing physical injury to himself or others or causing severe property damage.

2. Mechanical restraint may be used on a pupil with a disability and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of the pupil;

(b) Protect a pupil who is known to be at risk of injury to himself because he lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a pupil; or

(d) Position a pupil who has physical disabilities in a manner prescribed in the pupil's service plan developed pursuant to 34 C.F.R. ~~[300.455]~~ ***300.138*** or the pupil's individualized education program, whichever is appropriate.

3. If mechanical restraint is used on a pupil with a disability in an emergency, the use of the procedure must be reported in the pupil's cumulative record not later than 1 ~~*[3]* working~~ day ~~*[days]*~~ after the procedure is used. A copy of the report must be provided to the Superintendent, the administrator of the private school, the pupil's individualized education program team, if applicable, and the parent or guardian of the pupil. If the administrator of the private school determines that a denial of the pupil's rights has occurred, the administrator shall submit a report to the Superintendent in accordance with NRS 394.378.

4. ***If a pupil with a disability has three reports of the use of mechanical restraint in his record pursuant to subsection 3 in 1 school year, the private***

school in which the pupil is enrolled shall review the circumstances of the use of the restraint on the pupil and provide a report to the Superintendent on its findings.

5. If a pupil with a disability has five reports of the use of mechanical restraint in his record pursuant to subsection 3 in 1 school year, the pupil's individualized education program or the pupil's services plan, as applicable, must be reviewed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1414 et seq., and the regulations adopted pursuant thereto. If mechanical restraint continues after the pupil's individualized education program or services plan has been reviewed, the private school and the parent or legal guardian of the pupil shall consider additional methods that are appropriate for the pupil to ensure that the restraint does not continue, including, without limitation, mentoring, training, behavioral assessment, a positive behavior plan and positive behavioral supports.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. 1414(d)(1)(A).

~~[Sec. 6.]~~ ***Sec. 11.*** This act becomes effective on July 1, 2009.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 59.

AN ACT relating to child custody; creating a rebuttable presumption against an award of custody or unsupervised visitation for a person who has committed an act of abduction against a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an award of child custody or visitation may only be made by considering the best interest of the child. (NRS 125.480, 125C.010) Further, existing law creates a rebuttable presumption that sole or joint custody of a child by a perpetrator of domestic violence is not in the best interest of the child. (NRS 125.480, 125C.230, 432B.157) **Section 1** of this bill, for cases involving divorce or other dissolution of marriage: (1) creates a similar rebuttable presumption against awarding sole or joint custody or unsupervised visitation to a perpetrator of an act of abduction against his child or any other child; (2) defines the term "abduction"; (3) provides certain acts that constitute conclusive evidence of an act of abduction; and (4) requires a court to follow certain procedures concerning how to determine custody when **, after a final order of custody has been entered,** a **magistrate determines probable cause exists that a** party to the

custody proceeding ~~[is charged with committing]~~ **has committed** an act of abduction ~~[during the proceeding or]~~ **against the child or any other child.** ~~[after a final order of custody has been entered.]~~ **Sections 2 and 3** of this bill incorporate the same presumption and provisions into chapter 125C of NRS concerning custody and visitation and chapter 432B of NRS concerning protection of children from abuse and neglect.

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

Section 1. NRS 125.480 is hereby amended to read as follows:

125.480 1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody.

(b) Any nomination by a parent or a guardian for the child.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. ***A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not***

enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. ~~*If, during the pendency of a child custody proceeding, criminal charges are filed against a party to the child custody proceeding alleging any act of abduction against the child or any other child, there is a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child. If the party does not rebut the presumption, the court:*~~

~~*(a) Shall not enter the final order concerning custody of the child;*~~

~~*(b) Shall provisionally find that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child; and*~~

~~*(c) Shall, in accordance with subsections 7 and 8, reconsider the issue and enter the final order concerning custody of the child after the disposition of the criminal matter.*~~

~~*10.]*~~ ***If, after a court enters a final order concerning custody of the child,*** ~~*[criminal charges are filed against a person who has been awarded sole or joint custody or unsupervised visitation of the child alleging any]*~~ ***a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child*** ~~*[,]*~~ ***and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 7*** ~~*[,]*~~ ***and 8.*** ~~*[and 9.*~~

~~*11.]*~~ ***10.*** As used in this section ~~[, "domestic]~~ ***:***

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. ~~*[If, during the pendency of a child custody proceeding, criminal charges are filed against a party to the child custody proceeding alleging any act of abduction against the child or any other child, there is a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child. If the party does not rebut the presumption, the court:*~~

~~*(a) Shall not enter the final order concerning custody of the child;*~~

~~*(b) Shall provisionally find that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child; and*~~

~~*(c) Shall, in accordance with subsections 1 and 2, reconsider the issue and enter the final order concerning custody of the child after the disposition of the criminal matter.*~~

4. ~~*]*~~ ***If, after a court enters a final order concerning custody of the child,*** ~~*[criminal charges are filed against a person who has been awarded sole or*~~

~~*joint custody or unsupervised visitation of the child alleging any]*~~ ***a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child*** ~~*[,]*~~ ***and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1*** ~~*[,]*~~ ***and 2 .*** ~~*[and 3.*~~

~~*5.]*~~ ***4.*** ***As used in this section, "abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.***

Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. ~~*[If, during the pendency of a child custody proceeding, criminal charges are filed against a party to the child custody proceeding alleging any act of abduction against the child or any other child, there is a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child. If the party does not rebut the presumption, the court:*~~

~~*(a) Shall not enter the final order concerning custody of the child;*~~

~~*(b) Shall provisionally find that sole or joint custody or unsupervised visitation of the child by the alleged perpetrator of the abduction is not in the best interest of the child; and*~~

~~*(c) Shall, in accordance with subsections 1 and 2, reconsider the issue and enter the final order concerning custody of the child after the disposition of the criminal matter.*~~

~~*4.*~~ ***If, after a court enters a final order concerning custody of the child,*** ~~*[criminal charges are filed against a person who has been awarded sole or joint custody or unsupervised visitation of the child alleging any]*~~ ***a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child*** ~~*[,]*~~ ***and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1*** ~~*[,]*~~ ***and 2 .*** ~~*[and 3.*~~

~~*5.]*~~ ***4.*** ***A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to this section has engaged in one or more acts of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.***

~~*[6.]*~~ ***5.*** ***As used in this section, "abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.***

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

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. 24.

AN ACT relating to justice courts; authorizing the appointment of masters in justice courts under certain circumstances; ~~[revising provisions relating to the use of referees in justice courts;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the appointment of masters in justice courts to perform certain duties as approved by the Nevada Supreme Court. The master must possess qualifications which are at least equal to those required of a justice of the peace in the township in which the master is appointed, and the master is entitled to receive a salary or a per diem salary set by the board of county commissioners. However, a master may not

preside over: (1) any misdemeanor action for an act of domestic violence, vehicular manslaughter or driving under the influence; or (2) any preliminary hearing for a gross misdemeanor or felony.

~~[Section 2 of this bill prohibits a referee in justice court from taking testimony and recommending orders in any action involving vehicular manslaughter. Section 2 also provides that for certain cases involving traffic offenses, the parties do not have the right to file an objection to a sentence imposed by a referee. Finally, section 2 provides that instead of receiving one-half of the hourly compensation of a justice of the peace, a referee is entitled to receive a per diem salary set by the board of county commissioners. (NRS 4.355)]~~

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any county in which the appointment of masters by a justice court is authorized by the board of county commissioners, the local rules of practice adopted in a justice court within the county may authorize the appointment of one or more masters to perform certain duties that the Supreme Court has approved. If the justice court elects to appoint a master or masters, the local rules of practice adopted in that court must set forth the selection process for choosing a master.

2. A master appointed pursuant to subsection 1 must possess qualifications that are equal to or greater than the qualifications required of the justice of the peace for the township in which the master is appointed as set forth in NRS 4.010.

3. The Supreme Court shall provide by rule for a course of instruction in the elements of substantive law relating to the duties of any master appointed pursuant to subsection 1.

4. A master appointed pursuant to subsection 1 may not preside over:

(a) Any trial for a misdemeanor constituting:

(1) An act of domestic violence pursuant to NRS 33.018; or

(2) A violation of NRS 484.3775, 484.379 or 484.379778; or

(b) Any preliminary hearing for a gross misdemeanor or felony.

5. A person appointed as a master must take and subscribe to the official oath before acting as a master.

6. A master is entitled to receive a salary or a per diem salary set by the board of county commissioners. The annual sum expended for salaries of masters must not exceed the amount budgeted for those expenses by the board of county commissioners.

Sec. 2. ~~[NRS 4.355 is hereby amended to read as follows:~~

~~4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:~~

~~(a) In any action filed pursuant to NRS 73.010;~~

~~(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;~~

~~(c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS *484.3775,* 484.379 or 484.379778; or~~

~~(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.~~

~~2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.~~

~~3. The referee:~~

~~(a) Shall take testimony;~~

~~(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;~~

~~(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and~~

~~(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.~~

~~4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible.~~ **[**Within**]** ~~*Except as otherwise provided in this subsection, within* 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record. *If the justice of the peace has given the referee the authority to take pleas and impose sentences in cases involving violations of traffic laws under chapter 484 of NRS, then in such cases:*~~

~~*(a) The parties do not have the right to file a formal objection pursuant to this subsection; and*~~

~~*(b) The court shall accept the sentence of the referee, unless clearly erroneous, and the judgment may be entered thereon.*~~

~~*5. A person appointed as a referee must take and subscribe to the official oath before acting as a referee.*~~

~~*6.* A referee ~~**[**must be paid one-half of the hourly compensation of a justice of the peace.**]**~~ ~~*is entitled to receive a per diem salary set by the board of county commissioners. The annual sum expended for salaries of referees must not exceed the amount budgeted for that expense by the board of county commissioners.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective ~~**[**upon passage and approval.**]**~~ **on July 1, 2009.**

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.
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 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 247, 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, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 213, 247 just reported out of committee, be placed on the Second Reading File.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 71.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 474.
SUMMARY—~~[Requires]~~ **Authorizes** the Real Estate Division of the Department of Business and Industry to keep confidential certain records and information obtained in regulating the sale of subdivided land. (BDR 10-431)
AN ACT relating to real property; ~~[requiring]~~ **authorizing** the Real Estate Division of the Department of Business and Industry to keep confidential certain records and information obtained by the Division in regulating the sale of subdivided land; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law authorizes the Real Estate Division of the Department of Business and Industry, under certain circumstances, to keep confidential the criminal and financial records obtained by the Division pursuant to chapter 645 of NRS concerning a real estate salesman or other person licensed pursuant to that chapter, an applicant for such a license or an owner-developer. (NRS 645.180) ~~[Section 1 of this]~~ **This** bill ~~[requires]~~ **authorizes** the Division, under certain circumstances, to keep confidential the criminal ~~[records,]~~ **and** financial records ~~[and social security number]~~ of each applicant for a license or permit issued pursuant to chapter 119 of NRS which governs the sale of subdivided land, and each person who holds such a license or permit. ~~[Section 2 of this bill allows such records and information to be shared with certain other governmental agencies but not with the public.]~~

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

Section 1. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in ~~*[subsection 1 of]*~~ ***NRS 119.265, unless otherwise ordered by a court, the Division*** ~~*[shall]*~~ ***may keep confidential*** ~~*[:*~~

~~*1. The]*~~ ***the criminal and financial records of a licensee, permittee or an applicant for a license or permit issued pursuant to this chapter .*** ~~*[; and*~~

~~*2. The social security number of a licensee, permittee or an applicant for a license or permit issued pursuant to this chapter.]*~~

Sec. 2. ~~[NRS 119.265 is hereby amended to read as follows:~~

~~119.265 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a license or permit issued pursuant to this chapter.~~

~~2. [The] Except as otherwise provided in section 1 of this act, the complaint or other charging documents filed with the Division to initiate disciplinary action and all documents and other information considered by the Division or a hearing officer when determining whether to impose discipline are public records.]~~ **(Deleted by amendment.)**

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

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to the protection of children; making various changes concerning the investigation of applicants for a license to operate a child care facility, licensees and others over whom applicants or licensees exercise some control; requiring applicants and licensees to terminate certain employees and remove certain residents and participants in outdoor youth programs who have been convicted of certain crimes or who have had a substantiated report of child abuse or neglect made against them; expanding the grounds for denying a license and for taking other disciplinary action against a licensee; authorizing the imposition of administrative fines for violations of certain laws and regulations concerning licensure of child care facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of certain child care facilities. (NRS 432A.131-432A.220) As part of the process for obtaining a license, the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services conducts a background check of each applicant for a license, licensee, employee of an applicant or licensee and every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older. (NRS 432A.170, 432A.175) **Section 5** of this bill expands the list of crimes that the Bureau must inquire about as part of such an investigation and requires the Bureau to request information concerning every applicant, licensee, employee, resident or participant from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to determine whether there has been a substantiated report of child abuse or neglect made against any of those persons. (NRS 432A.170) **Section 6** of this bill requires the Bureau to obtain permission from each such applicant, licensee, employee, resident or participant to obtain such information from the Statewide Central Registry. (NRS 432A.175) If an employee of an applicant or licensee, or a resident or participant, has been convicted of one of the crimes inquired about as part of the investigation, the Bureau is required to notify the applicant or licensee. Upon receiving such notice, **section 2** of this bill requires the applicant or licensee to terminate the employment of the employee, remove the resident from the child care facility or remove the participant from the outdoor youth program, as applicable, after affording the person an opportunity to correct the information. **Section 6** further requires an applicant or licensee to notify the Bureau when the applicant, licensee, employee, resident or participant is involved in certain legal proceedings or disciplinary hearings or charged with certain crimes. (NRS 432A.175)

Section 4 of this bill prohibits the Bureau from issuing a provisional license to operate a child care facility unless the Bureau has completed an investigation into the qualifications and background of the applicant and his employees to ensure that they have not been convicted of certain crimes or had a substantiated report of child abuse or neglect made against them. (NRS 432A.160)

Section 7 of this bill expands the grounds for denial of an application for a license to operate a child care facility and for taking disciplinary action against a licensee and authorizes the Bureau to impose administrative fines for a violation of the statutes governing licensure of child care facilities or the regulations adopted pursuant thereto. (NRS 432A.190)

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.***

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, he must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable.

Sec. 3. ***1. Each applicant for a license to operate a child care facility and licensee shall maintain records of the information concerning its employees and any residents of the child care facility or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:***

(a) A copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant or licensee submitted ~~*[two sets of]*~~ ***fingerprints to the Central Repository for its report;***

(c) The written authorization to obtain information from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(d) Proof that the applicant or licensee requested information from the Statewide Central Registry.

2. The records maintained pursuant to subsection 1 must be made available for inspection by the Bureau at any reasonable time, and copies thereof must be furnished to the Bureau upon request.

Sec. 4. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. ~~[The]~~ ***Except as otherwise provided in this section, the*** Bureau may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Bureau determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Bureau determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Bureau determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Bureau from refusing to renew or from revoking or suspending any license in any instance where the Bureau considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Bureau has completed an investigation into the qualifications and background of the applicant and his employees pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him.

Sec. 5. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Bureau may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or his employees;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, to determine whether he has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency; ~~[or]~~

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~[.]~~ ***;***

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. ***The Bureau shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.***

4. The Bureau may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 6 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 6 years after the license is issued.

Sec. 6. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant ~~[,]~~ ***for a license to operate a child care facility,*** licensee and employee of ***such*** an applicant or licensee, and every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Bureau, or to the person or agency designated by the Bureau, ***to enable the Bureau to conduct an investigation pursuant to NRS 432A.170,*** a:

(a) Complete set of fingerprints and a written authorization for the Bureau or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ~~[and]~~

(b) Written statement detailing any prior criminal convictions ~~[.~~ ~~to enable the Bureau to conduct an investigation pursuant to NRS 432A.170.]~~ ***; and***

(c) Written authorization for the Bureau to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant ***for a license to operate a child care facility*** or licensee, or ~~[such]~~ a resident ***of a child care facility*** or participant ~~[,]~~ ***in an outdoor youth program who is 18 years of age or older,*** has been convicted of any crime listed in subsection 2 of NRS 432A.170 ~~[,]~~ ***or has had a substantiated report of child abuse or neglect filed against him,*** the Bureau shall immediately notify the applicant or licensee ~~[.]~~ ***, who shall then comply with the provisions of section 2 of this act.***

3. An applicant for a license to operate a child care facility or licensee shall notify the Bureau within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 7. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Bureau may deny an application for a license ***to operate a child care facility*** or may suspend or revoke ~~[any license issued under the provisions of this chapter]~~ ***such a license*** upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of section 2 of this act by continuing to employ a person, allowing a resident to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him.

2. In addition to the provisions of subsection 1, the Bureau may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Bureau shall maintain a log of any complaints that it receives relating to activities for which the Bureau may revoke the license to operate a child care facility pursuant to subsection 2. The Bureau shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Bureau either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. ***In addition to any other disciplinary action, the Bureau may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Bureau shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.***

5. On or before February 1 of each odd-numbered year, the Bureau shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

Sec. 8. **NRS 432A.220 is hereby amended to read as follows:**

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 2 and 3 of this act*** is guilty of a misdemeanor.

Sec. 9. **The Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services is not required to obtain the information required pursuant to subsections 2 and 3 of section 5 of this act concerning a person who, on October 1, 2009, is a licensee, employee of a licensee, or resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older until 6 years after the license was issued or renewed, or from the date of employment of an employee, residency of a resident or participation of a participant.**

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

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

Amendment No. 124.

AN ACT relating to governmental financial administration; requiring the establishment by regulation of procedures for transferring governmental functions between and among local governments; requiring the establishment by regulation of procedures for transferring governmental functions between and among local governments and state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Committee on Local Government Finance to adopt regulations to establish procedures for transferring a function from one local government to another local government.

This bill also requires the Committee on Local Government Finance, in consultation with the Director of the Department of Administration, to adopt regulations to establish procedures for transferring a function from a local government to a state agency or from a state agency to a local government.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Committee on Local Government Finance created pursuant to NRS 354.105 shall, in consultation with the Director of the Department of Administration, adopt regulations to establish procedures for transferring a function from a state agency to a local government or from a local government to a state agency.

2. The regulations adopted by the Committee on Local Government Finance pursuant to subsection 1 must:

(a) Be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

(b) Include provisions requiring:

(1) ~~[At least 90 days']~~ That, except as otherwise provided in subsection 3, notice to the affected state agency and local government of the intent to transfer a function from a state agency to a local government or from a local government to a state agency ~~[; and]~~ be given not less than 30 days before September 1 of an even-numbered year, unless a different period of notification is required by a statute or by contractual agreement.

(2) That, except as otherwise provided in subsection 3, the effective date of the transfer of a function from a state agency to a local government or from a local government to a state agency not be any earlier than July 1 of the year after the year in which notice is given, as described in subparagraph (1).

(3) The exchange of such information between the affected state agency and local government as is necessary to complete the transfer, including, without limitation, such matters as a complete description of the function to be transferred and the mechanism to be used to pay for the performance of that function.

3. An affected state agency and local government may, by mutual agreement, waive the requirements set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 2.

4. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474.

Sec. 2. NRS 353.150 is hereby amended to read as follows:

353.150 NRS 353.150 to 353.246, inclusive, ***and section 1 of this act*** may be cited as the State Budget Act.

Sec. 3. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and subsection 6 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, ***and section 1 of this act*** do not apply to agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government.

2. The Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

Sec. 4. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Committee on Local Government Finance shall adopt regulations to establish procedures for transferring a function from one local government to another local government.

2. The regulations adopted by the Committee on Local Government Finance pursuant to subsection 1 must:

(a) Be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

(b) Include provisions requiring:

(1) At least ~~*[90]*~~ ***180 days' notice to the affected local governments of the intent to transfer a function from one local government to another local government*** ~~*[; and]*~~ ***, unless a different period of notification is required by a statute or by contractual agreement.***

(2) The exchange of such information between the affected local governments as is necessary to complete the transfer, including, without limitation, such matters as a complete description of the function to be transferred and the mechanism to be used to pay for the performance of that function.

Sec. 5. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 4 of this act.***

Sec. 7. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to

expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 4 of this act*** is guilty of a misdemeanor ~~[.]~~ and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local

government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 50.

SUMMARY—Makes various changes relating to ~~[the security and safety of participants in the legal process.]~~ **public safety.** (BDR 15-410)

AN ACT relating to public safety; ~~[providing for an increased penalty for crimes committed against participants in the legal process; prohibiting a person from making public certain restricted information concerning a participant in the legal process or his immediate family under certain circumstances;]~~ prohibiting a person from filing a false lien against the real or personal property of ~~[a participant in the legal process;]~~ **another person;** revising provisions prohibiting threats or intimidation addressed at certain persons **;** ~~[to include a participant in the legal process; providing that murder committed to avoid or prevent the lawful execution of the official duties of a participant in the legal process is murder in the first degree; making murder committed with the intent to intimidate or retaliate against a participant in the legal process an aggravating circumstance for purposes of the death penalty;]~~ authorizing judges to obtain fictitious addresses for certain public purposes; ~~[making various other changes relating to participants in the legal process;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 4 and 6 of this bill provide an additional penalty for committing a crime against any person with the intent to: (1) intimidate against a participant in the legal process; (2) retaliate against a participant in the legal process; or (3) because of the status of a person as a participant in the legal process. The additional penalty is modeled after similar existing additional penalties, such as the additional penalties for committing a crime with the use of a deadly weapon and for committing a crime against an older person or a vulnerable person. (NRS 193.161-193.169)~~

~~Section 8 of this bill prohibits a person from knowingly making public certain restricted personal information of a participant in the legal process or his immediate family with the intent to threaten, intimidate or incite the commission of crimes against the participant in the legal process or his immediate family.~~**]**

Section 9 of this bill prohibits a person from **intentionally** filing, attempting to file or conspiring to file certain false liens and encumbrances against the property of ~~[a participant in the legal process as the result of the performance of official duties by the participant in the legal process.]~~ **another person.**

Section 10 of this bill revises provisions prohibiting threats or intimidation toward certain persons to prohibit ~~[threats, intimidation or retaliation against a participant in the legal process.]~~ **taking any such action with the intent to retaliate against such a person.** (NRS 199.300)

~~[Section 11 of this bill revises the definition of murder in the first degree to include a killing committed to avoid or prevent the lawful execution of the official duties of a participant in the legal process. (NRS 200.030)~~

~~Section 12 of this bill establishes for the purposes of imposing the death penalty an aggravating circumstance for murdering a person with the intent to intimidate or retaliate against a participant in the legal process in the performance of his official duties, because of an act performed in his official capacity or because of his status as a participant. (NRS 200.033)~~**]**

Sections 13-27 of this bill authorize judges to obtain a fictitious address and to use that fictitious address for certain public purposes, such as running for office, registering to vote and obtaining a driver's license. The provisions regarding such use of a fictitious address are modeled after existing provisions that apply to victims of domestic violence. (NRS 217.462-217.471)

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

Section 1. ~~[Chapter 193 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[***"Immediate family of a participant in the legal process" includes:***~~

~~*1. The spouse, parent, sibling or child of the participant in the legal process;*~~

~~*2. A person to whom the participant in the legal process stands in loco parentis; and*~~

~~*3. Any person who resides in the same household as the participant in the legal process.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Participant in the legal process” means a person who currently serves in, who formerly served in, or who currently is or formerly was a candidate for, any of the following positions, including a person acting pro tempore:*~~

~~*1. Justice, judge, justice of the peace, magistrate, court commissioner, master or referee.*~~

~~*2. Attorney General, assistant or deputy attorney general, solicitor general or investigator for the Office of the Attorney General.*~~

~~*3. District attorney, assistant or deputy district attorney or investigator for the district attorney.*~~

~~*4. City attorney, assistant or deputy city attorney or investigator for the city attorney.*~~

~~*5. Public defender, special or alternate public defender, assistant or deputy public defender, assistant or alternate special public defender, investigator for the public defender or investigator for the special or alternate public defender.*~~

~~*6. Contract counsel or court appointed counsel for an indigent defendant or investigator for contract counsel or court appointed counsel.*~~

~~*7. Chief Parole and Probation Officer or assistant parole or probation officer.*~~

~~*8. Grand or petit juror.*~~

~~*9. Witness in any judicial proceeding.*~~

~~*10. Court clerk, deputy court clerk, court administrator, member of the staff of a court administrator, court interpreter, court reporter, bailiff, court marshal or deputy sheriff acting as a court security officer.*~~

~~*11. Court appointed advocate or a victim or witness advocate.*~~

~~*12. Attorney, law clerk or judicial assistant.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. Except as otherwise provided in subsection 6 and NRS 193.169, any person who commits a crime against a participant in the legal process or another person with the intent to intimidate or retaliate against the participant or because of the status, official role or duties of the participant shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.*~~

~~*2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:*~~

~~*(a) The facts and circumstances of the crime;*~~

~~*(b) The criminal history of the person;*~~

~~*(c) The impact of the crime on any victim;*~~

~~*(d) Any mitigating factors presented by the person; and*~~

~~*(e) Any other relevant information.*~~

~~*3. The court shall state on the record that it has considered the information described in subsection 2 in determining the length of the additional penalty imposed.*~~

~~*4. The sentence prescribed by this section:*~~

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

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

~~*5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.*~~

~~*6. This section does not apply if:*~~

~~*(a) The fact that the victim is a participant in the legal process is a necessary element of the primary offense; or*~~

~~*(b) The punishment for the primary offense is already greater pursuant to specific statute because the victim of the primary offense is a participant in the legal process.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 193.010 is hereby amended to read as follows:~~

~~193.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 193.011 to 193.0245, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 193.169 is hereby amended to read as follows:~~

~~193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, *section 4 of this act,* NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, *section 4 of this act,* 453.3335, 453.3345 or 453.3351 even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~3. This section does not:~~

~~(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.~~

~~(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections *of NRS* listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[Chapter 199 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.]~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. A person shall not knowingly make any of the restricted personal information of a participant in the legal process or the immediate family of a participant in the legal process publicly available:*~~

~~*(a) With the intent to threaten, intimidate or incite the commission of a crime against the participant in the legal process or the immediate family of a participant in the legal process; or*~~

~~*(b) With the intent that the restricted personal information will be used to threaten, intimidate or facilitate the commission of a crime against the participant in the legal process or the immediate family of a participant in the legal process.*~~

~~*2. A person who violates subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.*~~

~~*3. As used in this section, "restricted personal information" includes a social security number, home address, home telephone number, mobile telephone number, personal electronic mail address and home facsimile number.]*~~ **(Deleted by amendment.)**

Sec. 9. **Chapter 199 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not intentionally file, attempt to file or conspire to file, in any public record or any private record generally available to the public, any false lien or encumbrance against the real or personal property of ~~*[a participant in the legal process on account of, or in response to, the performance of official duties by the participant in the legal process]*~~ ***another person if the person knows or has reason to know that such lien or encumbrance:***

(a) Is false, fictitious or fraudulent; or

(b) Contains any false, fictitious or fraudulent statement of material fact.

2. A person who violates subsection 1 is guilty of a category ~~*[D]*~~ ***E felony and shall be punished as provided in NRS 193.130. The court shall also order the person to pay*** ~~*[to the participant in the legal process]*~~ ***all reasonable attorney's fees and costs incurred by the other person as the result of the violation.***

Sec. 10. NRS 199.300 is hereby amended to read as follows:

199.300 1. A person shall not, directly or indirectly, address any threat or intimidation to a public officer, public employee, juror, referee, arbitrator, appraiser, assessor or any person authorized by law to hear or determine any controversy or matter, with the intent to ***retaliate against him or*** induce him,

contrary to his duty to do, make, omit or delay any act, decision or determination, if the threat or intimidation communicates the intent, either immediately or in the future:

(a) To cause bodily injury to any person;

(b) To cause physical damage to the property of any person other than the person addressing the threat or intimidation;

(c) To subject any person other than the person addressing the threat or intimidation to physical confinement or restraint; or

(d) To do any other act which is not otherwise authorized by law and is intended to harm substantially any person other than the person addressing the threat or intimidation with respect to his health, safety, business, financial condition or personal relationships.

2. ~~*[In addition to the prohibition set forth in subsection 1, a person shall not, directly or indirectly, address any threat or intimidation to a participant in the legal process with the intent to retaliate against him for any decision or determination or because of his present or former status as a participant in the legal process, if the threat or intimidation communicates the intent, either immediately or in the future, to cause an act described in paragraphs (a) to (d), inclusive, of subsection 1.*~~

~~*3.]*~~ The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.

3. ~~*[4.]*~~ A person who violates subsection 1 ~~*[or 2]*~~ is guilty of:

(a) If physical force or the immediate threat of physical force is used in the course of the intimidation or in the making of the threat:

(1) For a first offense, a category C felony and shall be punished as provided in NRS 193.130.

(2) For a second or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(b) If no physical force or immediate threat of physical force is used in the course of the intimidation or in the making of the threat, a gross misdemeanor.

4. ~~*[5.]*~~ As used in this section, "public employee" means any person who performs public duties for compensation paid by the State, a county, city, local government or other political subdivision of the State or an agency thereof, including, without limitation, a person who performs a service for compensation pursuant to a contract with the State, county, city, local government or other political subdivision of the State or an agency thereof.

Sec. 11. ~~[NRS 200.030 is hereby amended to read as follows:~~

~~200.030 1. Murder of the first degree is murder which is:~~

~~(a) Perpetrated by means of poison, lying in wait or torture, or by any other kind of willful, deliberate and premeditated killing;~~

~~(b) Committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years, child abuse or abuse of an older person or~~ ***a*** ~~vulnerable person pursuant to NRS 200.5099;~~

~~(c) Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody;~~

~~(d) 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;~~ **[**~~or~~**]**

~~(e) Committed in the perpetration or attempted perpetration of an act of terrorism~~ **[**~~.~~**]** ***; or***

(f) Committed to avoid or prevent the lawful execution of the official duties of a participant in the legal process, to retaliate against a participant in the legal process for the performance of those official duties or because of the status of a participant in the legal process.

~~2. Murder of the second degree is all other kinds of murder.~~

~~3. The jury before whom any person indicted for murder is tried shall, if they find him guilty thereof, designate by their verdict whether he is guilty of murder of the first or second degree.~~

~~4. A person convicted of murder of the first degree is guilty of a category A felony and shall be punished:~~

~~(a) By death, only if one or more aggravating circumstances are found and any mitigating circumstance or circumstances which are found do not outweigh the aggravating circumstance or circumstances, unless a court has made a finding pursuant to NRS 174.098 that the defendant is a person with mental retardation and has stricken the notice of intent to seek the death penalty; or~~

~~(b) By imprisonment in the state prison:~~

~~(1) For life without the possibility of parole;~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or~~

~~(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.~~

~~→ A determination of whether aggravating circumstances exist is not necessary to fix the penalty at imprisonment for life with or without the possibility of parole.~~

~~5. A person convicted of murder of the second degree is guilty of a category A felony and shall be punished by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~6. As used in this section:~~

~~(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415;~~

~~(b) "Child abuse" means physical injury of a nonaccidental nature to a child under the age of 18 years;~~

~~(c) "School bus" has the meaning ascribed to it in NRS 483.160;~~

~~(d) "Sexual abuse of a child" means any of the acts described in NRS 432B.100; and~~

~~(e) "Sexual molestation" means any willful and lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of the perpetrator or of the child.~~] **(Deleted by amendment.)**

Sec. 12. [~~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 of that person.

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.~~

~~*16. The murder was committed with the intent to intimidate or retaliate against a participant in the legal process in the performance of his official duty or because of an act performed in his official capacity or because of his status as a participant in the legal process.]*~~ **(Deleted by amendment.)**

Sec. 13. 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;

(b) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~[,]~~ ***, or sections 16 to 21, inclusive, of this act;*** and

(c) Any 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. 14. 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 ~~[,]~~ ***, or sections 16 to 21, inclusive, of this act.***

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. 15. Chapter 239B of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 21, inclusive, of this act.

Sec. 16. ***As used in sections 16 to 21, inclusive, of this act, unless the context otherwise requires, "participant" means a present or former municipal ~~[court]~~ judge, justice of the peace, district ~~[court]~~ judge or justice of the Supreme Court ~~[justice]~~ for whom a fictitious address has been issued.***

Sec. 17. ***1. Any present or former municipal ~~[court]~~ judge, justice of the peace, district ~~[court]~~ judge or justice of the Supreme Court ~~[justice]~~ may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the municipal ~~[court]~~ judge, justice of the peace, district ~~[court]~~ judge or justice of the Supreme Court. ~~[justice.]~~***

2. An application for the issuance of a fictitious address must include:

(a) Sufficient evidence showing that the municipal ~~[court]~~ judge, justice of the peace, district ~~[court]~~ judge or justice of the Supreme Court ~~[justice]~~ presently serves or formerly served as such before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the Secretary of State may contact the applicant;

(d) A question asking whether the applicant wishes to:

(1) Register to vote; or

(2) Change the address of his current registration;

(e) A designation of the Secretary of State as agent for the applicant for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed. Once approved, the present or former municipal ~~[court]~~ judge, justice of

the peace, district ~~[court]~~ judge or justice of the Supreme Court ~~[justice]~~ shall be considered a participant.

Sec. 18. ***1. If the Secretary of State approves an application, he shall:***

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

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

2. The Secretary of State shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Secretary of State shall make the address available to the law enforcement agency; or

(b) He is directed to do so by lawful order of a court of competent jurisdiction, in which case the Secretary of State shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Secretary of State shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the parent or legal guardian with whom the pupil resides is a participant. The Secretary of State shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 19. ***If a participant indicates to the Secretary of State that the participant wishes to register to vote or change the address of his current registration, the Secretary of State shall furnish the participant with the form developed by the Secretary of State pursuant to the provisions of NRS 293.5002.***

Sec. 20. ***The Secretary of State may cancel the fictitious address of a participant at any time if:***

1. The participant changes his confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address; or

2. The Secretary of State determines that false or incorrect information was knowingly provided in the application.

Sec. 21. ***The Secretary of State shall adopt procedures to carry out the provisions of sections 16 to 21, inclusive, of this act.***

Sec. 22. NRS 281.050 is hereby amended to read as follows:

281.050 1. ~~[The]~~ ***Except as provided in subsection 3, the*** residence of a person with reference to his eligibility to office is his actual residence within the State or county or district, as the case may be, during all the period for which residence is claimed by him. If any person absents himself from the jurisdiction of his residence with the intention in good faith to return

without delay and continue his residence, the period of absence must not be considered in determining the question of residence.

2. ~~[If]~~ ***Except as provided in subsection 3, if*** a candidate who has filed for elective office moves his residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law for which he is a candidate and in which he is required actually, as opposed to constructively, to reside, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved his residence for the purposes of this section if:

(a) He has acted affirmatively to remove himself from one place; and

(b) He has an intention to remain in another place.

3. ***If a municipal judge, a justice of the peace, a district judge or a justice of the Supreme Court ~~[justice]~~ who has obtained a fictitious address pursuant to sections 16 to 21, inclusive, of this act wishes to file for elective office, the county or city clerk or registrar of voters shall accept the fictitious address as his actual residence. The Secretary of State shall, upon request of the county or city clerk or registrar of voters of the county, city, district, ward, subdistrict or any other unit prescribed by law for which the municipal judge, justice of the peace, district judge or justice of the Supreme Court ~~[justice]~~ wishes to file for elective office, inform the county or city clerk or registrar of voters of whether the municipal judge, justice of the peace, district judge or justice of the Supreme Court ~~[justice]~~ is a participant and whether he is eligible to file for elective office in that county, city, district, ward, subdistrict or other unit. The Secretary of State shall not provide any other information concerning that person.***

4. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

~~[4.]~~ ***5.*** As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place he declares to be his principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be his actual residence.

Sec. 23. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, ***or sections 16 to 21, inclusive, of this act*** to:

(a) Register to vote; and

(b) Vote by absent ballot,

➥ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to register to vote or to change the address of his current registration. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he retains separate from other applications for registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

➥ unless he is directed to do so by lawful order of a court of competent jurisdiction.

Sec. 24. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is enrolled in the Program of School Choice for Children in Foster Care established pursuant to NRS 392B.100; or

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~[.]~~ ***, or sections 16 to 21, inclusive, of this act.***

Sec. 25. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, ***or sections 16 to 21, inclusive, of this act,*** the

pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 26. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. ***The Department shall issue a driver's license which bears a fictitious address designated by the Secretary of State if the applicant has been***

issued a fictitious address pursuant to sections 16 to 21, inclusive, of this act. The Secretary of State shall, upon request of the Department, inform the Department whether the applicant has been issued a fictitious address pursuant to sections 16 to 21, inclusive, of this act, but shall not provide any other information concerning the applicant.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to ~~[subsection]~~ ***subsections*** 2 ***and 3*** is confidential.

~~[4.]~~ ***5.*** It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

~~[5.]~~ ***6.*** At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

~~[6.]~~ ***7.*** If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~[7.]~~ ***8.*** The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~[5]~~ ***6*** information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 27. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. ***The Department shall issue a driver's license which bears a fictitious address designated by the Secretary of State if the applicant has been issued a fictitious address pursuant to sections 16 to 21, inclusive, of this act. The Secretary of State shall, upon request of the Department, inform the Department whether the applicant has been issued a fictitious address pursuant to sections 16 to 21, inclusive, of this act, but shall not provide any other information concerning the applicant.***

5. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to ~~[subsection]~~ ***subsections*** 3 ***and 4*** is confidential.

~~[5.]~~ ***6.*** It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

~~[6.]~~ ***7.*** At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

~~[7.]~~ ***8.*** If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~[8.]~~ ***9.*** The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~[6]~~ ***7*** information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 28. 1. This section and sections ~~[1 to 13, inclusive,]~~ **9, 10, 13** and 15 to 26, inclusive, of this act become effective on October 1, 2009.

2. Section 14 of this act becomes effective on July 1, 2011.

3. Section 27 of this act becomes effective upon the later of:

(a) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(b) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

4. Section 13 of this act expires by limitation on June 30, 2011.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 211.

AN ACT relating to criminal procedure; providing that a defendant convicted of certain offenses must submit a specimen for genetic marker testing without a court ordering him to do so; authorizing a board of county commissioners to accept gifts, grants and donations for the county's fund for genetic marker testing; revising the purposes for which a forensic laboratory that receives money from a fund for genetic marker testing may use the money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Upon conviction of certain crimes, existing law provides for the issuance of a court order requiring: (1) certain personal identifying information of the defendant to be submitted to the Central Repository for Nevada Records of Criminal History; and (2) a biological specimen of the defendant to be

obtained for genetic marker testing. (NRS 176.0913) **Section 1** of this bill **: (1)** eliminates the need for a court order for these requirements ~~[.]~~ **; and (2) provides that the biological specimen is not required if the defendant previously submitted a biological specimen for a prior conviction.**

Existing law provides that a defendant who submits a biological specimen for genetic testing must pay a fee for that testing, which is then deposited with the county treasurer for deposit in that county's fund for genetic marker testing. Money remaining in the fund, after the county treasurer pays the actual costs of obtaining a biological specimen, must be distributed to forensic laboratories engaging in genetic marker testing for use for certain purposes. (NRS 176.0915) **Section 2** of this bill authorizes a board of county commissioners to accept gifts, grants and donations for the county's fund for genetic marker testing and expands the purposes for which a forensic laboratory which receives money from the county's fund may use that money.

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

Section 1. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4 ***:*** ~~**[**, the court, at sentencing, shall order that:**]**~~

(a) The name, social security number, date of birth and any other information identifying the defendant ***must*** be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen ***must*** be obtained from the defendant pursuant to the provisions of this section and ~~**[**that**]**~~ the specimen ***must*** be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

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

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

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. ~~[A] [court shall not order a] [biological specimen] [to] [must not be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless] [the] [a court determines that]~~ ***If it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense,*** an additional sample is ~~[necessary.]~~ ***not required.***

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a misdemeanor.

Sec. 2. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If ~~[the court orders that]~~ a biological specimen ~~[be]~~ ***is*** obtained from a defendant pursuant to NRS 176.0913, the court, in addition to any other penalty, shall order the defendant, to the extent of his financial ability, to pay the sum of $150 as a fee for obtaining the specimen and for

conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the defendant before or at the same time that any fine imposed by the court is collected from the defendant; and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a defendant pursuant to NRS 176.0913.

5. ***The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker testing.***

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to ~~[~~:

~~(a) Maintain and purchase equipment and supplies relating to genetic marker testing, including, but not limited to, equipment and supplies required by the Federal Bureau of Investigation for participation in CODIS; and~~

~~(b) Pay for the training and continuing education, including, but not limited to, the reasonable travel expenses, of employees of the forensic laboratory who conduct or oversee~~~~]~~ ***cover any expense related to*** genetic marker testing.

Sec. 3. This act becomes effective on July 1, 2009.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 53.

AN ACT relating to crimes; requiring a law enforcement agency and juvenile court to provide certain requested investigative and police reports within a specific period; excluding contributory conduct of a victim of domestic violence or sexual assault from consideration in certain determinations of compensation to the victim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

To receive compensation from the Fund for the Compensation of Victims of Crime, a fund which is created in existing law, a victim must submit an application to a compensation officer appointed by the State Board of Examiners, who conducts an investigation, determines eligibility and renders a decision about the payment of compensation to the victim. (NRS 217.090, 217.100, 217.260) During an investigation, a compensation officer may order certain reports, including investigative and police reports. (NRS 217.110)

Section 1 of this bill requires a law enforcement agency or juvenile court, as applicable, to provide the compensation officer with a copy of the requested investigative and police reports within 10 days after the receipt of such a request **~~[.]~~ or within 10 days after the report is completed, whichever is later.** **Section 2** of this bill exempts certain contributory conduct of a victim in cases involving domestic violence or sexual assault from the required considerations of a compensation officer in determining whether to make an order for compensation.

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

Section 1. NRS 217.110 is hereby amended to read as follows:

217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.

2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection **~~[4,]~~** ***6,*** render a decision within 60 days after his receipt of the application or order. If **,** in conducting his investigation **,** the compensation officer believes that:

(a) Reports on the previous medical history of the victim;

(b) An examination of the victim and a report of that examination;

(c) A report on the cause of death of the victim by an impartial medical expert; or

(d) Investigative or police reports,

➥ would aid him in making his decision, the compensation officer may order the reports.

3. [Upon] ~~[Within 10 days after receipt of the request of]~~ ***If*** a compensation officer ***submits a request*** pursuant to subsection 2 for investigative or police reports which concern [a] ***:***

(a) A natural person, other than a minor, who committed a crime against the victim, a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports ~~[; or]~~ within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.

(b) A minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports [.] ***within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.***

4. A law enforcement agency or a juvenile court shall not redact any information , except information deemed confidential, from an investigative or police report before providing a copy of the requested report to a compensation officer pursuant to subsection 3.

5. Any reports obtained by a compensation officer pursuant to [this] subsection ***3*** are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.

[4.] ***6.*** When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation [,] if compensation is due, within 15 days after receipt of the reports.

Sec. 2. NRS 217.180 is hereby amended to read as follows:

217.180 1. [In] ***Except as otherwise provided in subsection 2, in*** determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, the need of the victim or his dependents for financial aid and other relevant matters.

2. ***If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to his injury or death.***

3. If the applicant has received or is likely to receive an amount on account of his injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that he is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

~~[3.]~~ ***4.*** An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

~~[4.]~~ ***5.*** As used in this section ~~[, "public]~~ ***:***

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

~~[(a)]~~ ***(1)*** Public assistance, as defined in NRS 422.050 and 422A.065;

~~[(b)]~~ ***(2)*** Social services provided by a social service agency, as defined in NRS 430A.080; or

~~[(c)]~~ ***(3)*** Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

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

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 123.

Bill read second time.

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

Amendment No. 328.

AN ACT relating to public health; requiring offices of physicians and related facilities to obtain a permit and national accreditation before providing certain services involving anesthesia and sedation; **providing an exception for certain offices and facilities;** requiring surgical centers for ambulatory patients to obtain national accreditation; requiring annual inspections of such offices, facilities and surgical centers; requiring that copies of reports relating to the use of anesthesia and sedation by physicians be submitted to the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities, including hospitals, psychiatric hospitals, community triage centers and surgical centers for

ambulatory patients, to be licensed by the Health Division of the Department of Health and Human Services. (NRS 449.030)

Sections ~~[8-10]~~ 9-11 of this bill require offices of physicians and other facilities providing health care that are not licensed as a medical facility by the Health Division to obtain a permit from the Division before offering general anesthesia, conscious sedation or deep sedation and prescribe the procedure for obtaining such a permit. The office or facility must maintain current accreditation by a nationally recognized accrediting organization approved by the State Board of Health.

Section ~~[11]~~ 12 of this bill requires each surgical center for ambulatory patients to maintain current accreditation by a nationally recognized accrediting organization approved by the State Board of Health.

Section ~~[12]~~ 13 of this bill requires the Health Division to conduct annual and unannounced inspections of each office and facility which holds a permit issued by the Health Division and each surgical center for ambulatory patients which holds a license issued by the Health Division.

Section ~~[13]~~ 14 of this bill prescribes the sanctions which the Health Division may impose for a violation of **sections ~~[3-14]~~ 3-15** of this bill by an office or facility or by a surgical center for ambulatory patients.

Section ~~[14]~~ 15 of this bill requires the State Board of Health to prescribe regulations to carry out the provisions of **sections ~~[3-14]~~ 3-15** of this bill, including fees for the issuance and renewal of permits. The regulations are subject to review by the Legislative Committee on Health Care. (NRS 439B.225)

Section 8 of this bill provides that sections 3-15 of this bill do not apply to an office of a physician or other facility that is not licensed as a medical facility if the office or facility only administers medication to a patient to relieve the patient's anxiety or pain in certain circumstances.

Existing law requires a physician licensed to practice medicine or osteopathic medicine to report the number and types of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the physician at his office or certain other facilities. (NRS 630.30665, 633.524) **Sections ~~[19 and 22]~~ 20 and 23** of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to forward to the Health Division such reports.

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

Section 1. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for ~~[licensing]~~ ***the issuance or renewal of licenses, permits*** or ***certificates of*** registration ~~[or for the renewal of licenses or certificates of registration]~~ pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634,

634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for ~~[~~licensing~~]~~ ***the issuance or renewal of licenses, permits*** or ***certificates of*** registration ~~[~~or to the renewal of a license or certificate of registration~~]~~ issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed ***, permitted*** or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 2. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to ~~[14,]~~ **15,** inclusive, of this act.

Sec. 3. ***As used in sections 3 to ~~[14,]~~ 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.***

Sec. 5. ***"Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.***

Sec. 6. ***"General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.***

Sec. 7. ***"Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.***

Sec. 8. ***The provisions of sections 3 to 15, inclusive, of this act do not apply to an office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.***

~~[Sec. 8.]~~ ***Sec. 9. 1. An office of a physician or a facility that provides health care, other than a medical facility, must obtain a permit pursuant to section*** ~~*[9]*~~ ***10 of this act before offering to a patient a service of general anesthesia, conscious sedation or deep sedation. An office of a physician or a facility that provides health care, other than a medical facility, which operates at more than one location must obtain a permit for each location where a service of general anesthesia, conscious sedation or deep sedation is offered.***

2. To offer to a patient a service of general anesthesia, conscious sedation or deep sedation in this State, an office of a physician or a facility that provides health care, other than a medical facility, must maintain current accreditation by a nationally recognized organization approved by the Board. Upon receiving an initial permit, the office or facility shall, within 6 months after obtaining the permit, submit proof to the Health Division of accreditation by such an organization.

3. If an office of a physician or a facility that provides health care, other than a medical facility, fails to maintain current accreditation or if the accreditation is revoked or is otherwise no longer valid, the office or facility shall immediately cease offering to patients a service of general anesthesia, conscious sedation or deep sedation.

~~[Sec. 9.]~~ ***Sec. 10. 1. An office of a physician or a facility that provides health care, other than a medical facility, desiring a permit pursuant to sections 3 to*** ~~*[14,]*~~ ***15, inclusive, of this act must submit to the Health Division, on a form prescribed by the Health Division and accompanied by the appropriate fee, an application for a permit.***

2. Before issuing a permit, the Health Division shall conduct an on-site inspection pursuant to section ~~*[12]*~~ ***13 of this act of each office of a physician or facility that applies for a permit.***

3. Upon receipt of an application and the appropriate fee, the Health Division may, after conducting an inspection pursuant to section ~~*[12]*~~ ***13 of this act, issue a permit.***

4. A permit expires 1 year after the date of issuance and is renewable pursuant to section ~~*[10]*~~ ***11 of this act.***

~~[Sec. 10.]~~ ***Sec. 11. 1. The holder of a permit issued pursuant to section*** ~~*[9]*~~ ***10 of this act may annually submit to the Health Division, on a form prescribed by the Health Division and accompanied by the appropriate fee, an application for renewal of the permit before the date on which the permit expires. The application must include proof satisfactory***

to the Health Division that the office or facility maintains current accreditation by a nationally recognized organization approved by the Board.

2. Upon receipt of an application for renewal and the accompanying fee, the Health Division may renew a permit.

~~[Sec. 11.]~~ ***Sec. 12. 1. To operate in this State, a surgical center for ambulatory patients must maintain current accreditation by a nationally recognized organization approved by the Board. Upon initial licensure, a surgical center for ambulatory patients shall, within 6 months after obtaining its license, submit proof to the Health Division of the accreditation of the surgical center by such an organization.***

2. Before issuing a license to a surgical center for ambulatory patients, the Health Division shall conduct an on-site inspection of the surgical center pursuant to section ~~[12.]~~ 13 of this act.

3. If a surgical center for ambulatory patients fails to maintain current accreditation or if the accreditation is revoked or is otherwise no longer valid, the surgical center shall immediately cease to operate.

~~[Sec. 12.]~~ ***Sec. 13. 1. The Health Division shall conduct annual and unannounced on-site inspections of each office of a physician or a facility that provides health care, other than a medical facility, which holds a permit issued pursuant to section ~~[9.]~~ 10 of this act and each surgical center for ambulatory patients which holds a license issued pursuant to this chapter.***

2. An inspection conducted pursuant to this section must focus on the infection control practices and policies of the surgical center for ambulatory patients, the office or the facility that is the subject of the inspection. The Health Division may, as it deems necessary, conduct a more comprehensive inspection of a surgical center, office or facility.

3. Upon completion of an inspection, the Health Division shall:

(a) Compile a report of the inspection, including each deficiency discovered during the inspection, if any; and

(b) Forward a copy of the report to the surgical center for ambulatory patients, the office of the physician or the facility where the inspection was conducted.

4. If a deficiency is indicated in the report, the surgical center for ambulatory patients, the office of the physician or the facility shall correct each deficiency indicated in the report in the manner prescribed by the Board pursuant to section ~~[14.]~~ 15 of this act.

5. The Health Division shall annually prepare and submit to the Legislative Committee on Health Care and the Legislative Commission a report which includes:

(a) The number and frequency of inspections conducted pursuant to this section;

(b) A summary of deficiencies or other significant problems discovered while conducting inspections pursuant to this section and the results of any follow-up inspections; and

(c) Any other information relating to the inspections as deemed necessary by the Legislative Committee on Health Care or the Legislative Commission.

~~[~~Sec. 13.~~]~~ ***Sec. 14. 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of sections 3 to ~~[14,]~~ 15, inclusive, of this act, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to section ~~[12]~~ 13 of this act, the Health Division, in accordance with the regulations adopted pursuant to section ~~[14]~~ 15 of this act, may take any of the following actions:***

(a) Decline to issue or renew a permit;

(b) Suspend or revoke a permit; or

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Health Division may review a report submitted pursuant to NRS 630.30665 or 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of sections 3 to ~~[14,]~~ 15, inclusive, of this act or the regulations adopted pursuant thereto. If the Health Division determines that such a violation has occurred, the Health Division shall immediately notify the appropriate professional licensing board of the physician.

3. If a surgical center for ambulatory patients violates the provisions of sections 3 to ~~[14,]~~ 15, inclusive, of this act, or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to section ~~[12]~~ 13 of this act, the Health Division may impose administrative sanctions pursuant to NRS 449.163.

~~[~~Sec. 14.~~]~~ ***Sec. 15. 1. The Board shall adopt regulations to carry out the provisions of sections 3 to ~~[14,]~~ 15, inclusive, of this act, including, without limitation, regulations which:***

(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to sections ~~[9]~~ 10 and ~~[10]~~ 11 of this act.

(b) Prescribe the procedures and standards for the issuance and renewal of a permit.

(c) Identify the nationally recognized organizations approved by the Board for the purposes of the accreditation required for the issuance of a:

(1) License to operate a surgical center for ambulatory patients.

(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a patient a service of general anesthesia, conscious sedation or deep sedation.

(d) Prescribe the procedures and scope of the inspections conducted by the Health Division pursuant to section ~~[12]~~ 13 of this act.

(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to section ~~[12]~~ 13 of this act.

(f) Prescribe the criteria for the imposition of each sanction prescribed by section ~~[13]~~ 14 of this act, including, without limitation:

(1) Setting forth the circumstances and manner in which a sanction applies;

(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and

(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.

2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well-being of patients.

~~[Sec. 15.]~~ ***Sec. 16.*** NRS 233B.063 is hereby amended to read as follows:

233B.063 1. At least 30 days before the time of giving notice of its intention to adopt, amend or repeal a permanent regulation **,** an agency shall deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to him between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to him. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for ~~[licensing]~~ ***the issuance or renewal of licenses, permits*** or ***certificates of*** registration ~~[or for the renewal of a license or a certificate of registration]~~ issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Legislative Committee on Health Care.

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year

without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

~~[Sec. 16.]~~ ***Sec. 17.*** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for ~~[licensing]~~ ***the issuance or renewal of licenses, permits*** or ***certificates of*** registration ~~[or for the renewal of a license or a certificate of registration]~~ issued to a person or facility regulated by the agency, the agency shall also

deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

~~[Sec. 17.]~~ ***Sec. 18.*** Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician shall not administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to patients unless the general anesthesia, conscious sedation or deep sedation is administered:

(a) In an office of a physician or osteopathic physician which holds a permit pursuant to sections 3 to ~~[14,]~~ 15, inclusive, of this act;

(b) In a facility which holds a permit pursuant to sections 3 to ~~[14,]~~ 15, inclusive, of this act;

(c) In a medical facility as that term is defined in NRS 449.0151; or

(d) Outside of this State.

2. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in section 4 of this act.

(b) "Deep sedation" has the meaning ascribed to it in section 5 of this act.

(c) "General anesthesia" has the meaning ascribed to it in section 6 of this act.

~~[Sec. 18.]~~ ***Sec. 19.*** 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 which by the current standards of the practice of medicine 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.

13. Failure to comply with the requirements of section ~~[17]~~ 18 of this act.

~~[Sec. 19.]~~ ***Sec. 20.*** NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in

the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division ~~[of the Department of Health and Human Services]~~ for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the ~~[report]~~ ***reports*** required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to subsection 8 of NRS 630.306.

4. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 and 2; ~~[and]~~

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access ~~[.]~~ ***; and***

(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection 5.

5. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 or 2 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

6. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

7. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

8. As used in this section:

(a) "Conscious sedation" ~~[means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.]~~ ***has the meaning ascribed to it in section 4 of this act.***

(b) "Deep sedation" ~~[means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.]~~ ***has the meaning ascribed to it in section 5 of this act.***

(c) "General anesthesia" ~~[means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.]~~ ***has the meaning ascribed to it in section 6 of this act.***

(d) ***"Health Division" has the meaning ascribed to it in NRS 449.009.***

(e) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

~~[Sec. 20.]~~ ***Sec. 21.*** Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An osteopathic physician shall not administer or supervise directly the administration of general anesthesia, conscious sedation or deep sedation to patients unless the general anesthesia, conscious sedation or deep sedation is administered:

(a) In an office of a physician or osteopathic physician which holds a permit pursuant to sections 3 to ~~*[14,]*~~ ***15, inclusive, of this act;***

(b) In a facility which holds a permit pursuant to sections 3 to ~~*[14,]*~~ ***15, inclusive, of this act;***

(c) In a medical facility as that term is defined in NRS 449.0151; or

(d) Outside of this State.

2. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in section 4 of this act.

(b) "Deep sedation" has the meaning ascribed to it in section 5 of this act.

(c) "General anesthesia" has the meaning ascribed to it in section 6 of this act.

~~[Sec. 21.]~~ ***Sec. 22.*** NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the requirements of section ~~[20]~~ 21 of this act.

~~[Sec. 22.]~~ ***Sec. 23.*** NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license to practice osteopathic medicine issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division ~~[of the Department of Health and Human Services]~~ for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the ~~[report]~~ ***reports*** required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to NRS 633.511.

4. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 and 2; ~~[and]~~

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access ~~[.]~~ ***; and***

(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection 5.

5. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 or 2 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

6. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

7. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

8. As used in this section:

(a) "Conscious sedation" ~~[means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.]~~ ***has the meaning ascribed to it in section 4 of this act.***

(b) "Deep sedation" ~~[means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.]~~ ***has the meaning ascribed to it in section 5 of this act.***

(c) "General anesthesia" ~~[means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and~~

~~respond purposefully to physical stimulation or verbal commands.~~] ***has the meaning ascribed to it in section 6 of this act.***

(d) ***"Health Division" has the meaning ascribed to it in NRS 449.009.***

(e) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

~~[Sec. 23.]~~ ***Sec. 24.*** The State Board of Health shall:

1. On or before October 1, 2009, adopt regulations pursuant to section ~~[14]~~ **15** of this act relating to the nationally recognized organizations approved by the Board for the accreditation of surgical centers for ambulatory patients required by section ~~[11]~~ **12** of this act.

2. On or before January 1, 2010, adopt all other regulations required by section ~~[14]~~ **15** of this act.

~~[Sec. 24.]~~ ***Sec. 25.*** A surgical center for ambulatory patients that holds a license pursuant to chapter 449 of NRS which was issued before October 1, 2009, shall, on or before March 31, 2010, submit to the Health Division of the Department of Health and Human Services documentation that the surgical center is accredited pursuant to the regulations adopted by the State Board of Health in accordance with section ~~[14]~~ **15** of this act.

~~[Sec. 25.]~~ ***Sec. 26.*** An office of a physician or a facility that provides health care, other than a medical facility, which offers to a patient a service of general anesthesia, conscious sedation or deep sedation must obtain a permit pursuant to section ~~[9]~~ **10** of this act on or before October 1, 2010.

~~[Sec. 26.]~~ ***Sec. 27.*** 1. This section and sections 1, ~~[14,]~~ 15, 16 **, 17** and ~~[23]~~ **24** of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2010, for all other purposes.

2. Sections 2 to ~~[13,]~~ **14,** inclusive, ~~[17]~~ **18** to ~~[22,]~~ **23,** inclusive, ~~[24]~~ **25** and ~~[25]~~ **26** of this act become effective on January 1, 2010.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 335.

AN ACT relating to education; requiring the State Board of Education to adopt a program of multicultural education for certain pupils; requiring certain licensed teachers to complete a course in multicultural education upon renewal of their license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the State Board of Education to adopt a program of multicultural education. **Section 1** also requires the boards of trustees of school districts to ensure that the program is provided to pupils enrolled in grades 2 through 12.

Section 2 of this bill requires a licensed teacher who submits an application on or after January 1, 2011, to submit proof of his completion of a course in multicultural education unless the teacher has previously completed such a course. **Section 2** also requires the Commission on Professional Standards in Education to prescribe the contents and credits required for a course in multicultural education.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a program of multicultural education, including, without limitation, information relating to the contributions made by men and women from various racial and ethnic backgrounds.

2. The board of trustees of each school district shall ensure that the program prescribed pursuant to subsection 1 is provided to pupils enrolled in grades 2 to 12, inclusive, with particular emphasis for pupils enrolled in elementary school, middle school and junior high school.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a licensed teacher who submits an application for renewal of his license to teach on or after January 1, 2011, shall submit with his application proof of the completion of a course in multicultural education.

2. A licensed teacher is not required to submit proof of the completion of a course pursuant to subsection 1 if the teacher has previously completed such a course and filed proof of the completion with the Superintendent of Public Instruction.

3. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by the licensed teacher in a course of multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. **1.** On or before January 1, 2010, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

2. On or before March 1, 2010, the Commission on Professional Standards in Education shall provide a report to the Legislative

Committee on Education on the status of the regulations adopted pursuant to section 2 of this act, including, without limitation, an estimate of the number of teachers who will be required to renew a license during 2011 with the proof of the completion of a course in multicultural education required by section 2 of this act.

Sec. 4. **The State Board of Education shall:**

1. On or before March 1, 2010, provide a report to the Legislative Committee on Education on the status of the regulations prescribing a program of multicultural education required by section 1 of this act, including, without limitation, the implementation of the regulations by the boards of trustees of school districts.

2. On or before February 1, 2011, provide a report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature concerning the implementation of the program of multicultural education prescribed pursuant to section 1 of this act in the public schools and a preliminary report on the effectiveness of the program.

~~[Sec. 4.]~~ ***Sec. 5.*** The provisions of section 2 of this act apply to each licensed teacher in this State, regardless of the date on which his initial license was issued.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 315.

SUMMARY—~~[Establishes a moratorium on the execution of sentences of death and provides]~~ **Provides** for a study of issues regarding the death penalty. (BDR S-764)

AN ACT relating to the death penalty; ~~[establishing a moratorium on the execution of sentences of death;]~~ providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill establishes a moratorium on the execution of sentences of death until July 1, 2011. The moratorium does not prohibit any proceeding or prosecution seeking a sentence of death, but bars any execution from being carried out until July 1, 2011.~~

~~Section 2 of this]~~ **This** bill requires the Audit Division of the Legislative Counsel Bureau to conduct a staff study on the fiscal costs of the death penalty in Nevada. The study must include, without limitation, an

examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor must submit a written report of findings to the Director of the Legislative Counsel Bureau on or before January 31, 2011.

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

Section 1. ~~[1. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction, a moratorium on the execution of all sentences of death is hereby established until July 1, 2011, and the sentence of any person sentenced to death before, on or after the effective date of this act must not be executed until July 1, 2011.~~

~~2. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction:~~

~~(a) If, before the effective date of this act, a court has issued a warrant of execution of a sentence of death that appoints a week within which the judgment of death is to be executed which is before July 1, 2011, the court shall, not later than 60 days after the effective date of this act, issue a new warrant of execution of the sentence of death appointing a week within which the judgment of death is to be executed which is on or after July 1, 2011.~~

~~(b) On or after the effective date of this act, a court shall not issue a warrant of execution of a sentence of death that appoints a week within which the judgment of death is to be executed which is before July 1, 2011.~~

~~3. The provisions of this section must not be construed to:~~

~~(a) Affect any procedures regarding charging, prosecution or sentencing with respect to any offense committed before, on or after the effective date of this act;~~

~~(b) Prevent any person from being sentenced to death before, on or after the effective date of this act;~~

~~(c) Constitute the granting of a commutation or pardon to a person sentenced to death before, on or after the effective date of this act;~~

~~(d) Alter or amend the sentence of any person sentenced to death before, on or after the effective date of this act; or~~

~~(e) Affect any appeal, petition for a writ of habeas corpus or other request for judicial relief filed before, on or after the effective date of this act.]~~ **(Deleted by amendment.)**

Sec. 2. 1. The Legislative Commission shall direct the Audit Division of the Legislative Counsel Bureau to conduct a staff study of the fiscal costs associated with the death penalty in this State.

2. The study conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage

of the proceedings in capital murder cases, including pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) Processing of bonds, including investigative costs of prosecutors, police and other staff;

(2) Investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) Incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) Execution of a sentence of death, including costs of facilities and staff.

3. On or before January 31, 2011, the Legislative Auditor shall submit a written report of any findings to the Director of the Legislative Counsel Bureau for transmittal to the 76th Session of the Nevada Legislature.

Sec. 3. This act becomes effective upon passage and approval **. [**~~and expires by limitation on June 30, 2011.~~**]**

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 355.

SUMMARY—Revises provisions relating to **[**~~the priority of certain liens against units in~~**]** common-interest communities. (BDR 10-920)

AN ACT relating to common-interest communities; **requiring the executive board of a unit owners' association of a common-interest community to make available to each unit's owner certain information concerning the association's collection policy;** extending the period of time

certain liens have priority over other certain security interests; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, not less than 30 days or more than 60 days before the beginning of the fiscal year of a unit owners' association of a common-interest community, the executive board of the association must provide each unit's owner with certain information pertaining to the budget of the association. (NRS 116.31151) Section 1 of this bill requires the executive board to also make available to each unit's owner information pertaining to a policy established by the association for the collection of any fees, fines, assessments or costs imposed against a unit's owner, including the unit's owner's responsibility to pay such fees, fines, assessments or costs and the rights of the association to recover the fees, fines, assessments or costs if the unit's owner does not pay them.

Under existing law, a unit-owners' association of a common-interest community has priority over certain other creditors with respect to a lien on a unit for any construction penalty imposed against the unit's owner, any assessment levied against the unit or certain fines imposed against the unit's owner. Such a lien is also prior to a first security interest on the unit recorded before the assessments became delinquent to the extent of the assessments for common expenses based on the periodic budget adopted by the association which would have become due in the absence of acceleration during the 6 months preceding an action to enforce the lien. ~~[This]~~ **Section 2 of this** bill changes the 6-month threshold for super priority of a lien for an association to 2 years ~~[.]~~ **, if the unit is a single-family detached dwelling.** (NRS 116.3116)

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

Section 1. **NRS 116.31151 is hereby amended to read as follows:**

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards,

the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner pursuant to this section, make available to each unit's owner the policy established for the association concerning the collection of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:

(a) The responsibility of the unit's owner to pay any such fees, fines, assessments or costs in a timely manner; and

(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs in a timely manner.

~~[Section 1.]~~ ***Sec. 2.*** NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

➥ The lien is also prior to all security interests described in paragraph (b) to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the ***2 years immediately preceding institution of an action to enforce the lien if the unit is a single-family detached dwelling or during the*** 6 months ~~*[2 years]*~~ immediately preceding institution of an action to enforce the lien ~~**[.]**~~ ***if the unit is any other type of dwelling.*** This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

5. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

6. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

7. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

8. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

9. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

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

Amendment No. 173.

AN ACT relating to irrigation districts; revising limits on indebtedness and assessments of **and purchases by** irrigation districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Existing law authorizes the board of directors of an irrigation district to purchase necessary machinery and materials for the construction or repair of an irrigation system. Under existing law, any transaction for such a purchase may not be for an amount greater than 5 cents per acre of land in the district. (NRS 539.255) Section 1 of this bill removes the limit on the amount that may be spent on one transaction.**

Section 2 of this bill increases the maximum allowable debt for irrigation districts from $350,000 to $500,000 and increases the maximum annual assessment of irrigation districts from $1.50 per acre of land to $5.00 per acre

of land. (NRS 539.480) **Of that assessment amount, not more than $1.50 per acre may go toward the current authorized use of the assessment: the ordinary and current expenses of the district.**

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

Section 1. **NRS 539.255 is hereby amended to read as follows:**

539.255 In case of necessity, the board of directors, by unanimous vote of those present at any regular or special meeting, may contract for the construction or repair of any part of the system of works, and may, in the ordinary course of business, purchase any necessary machinery or materials **.** ~~[in such amount in one transaction as will not exceed an amount equal to 5 cents for each acre of land in the district.]~~

~~[Section 1.]~~ ***Sec. 2.*** NRS 539.480 is hereby amended to read as follows:

539.480 1. For the purpose of organization or any of the purposes of this chapter, the board of directors may incur an indebtedness not exceeding in the aggregate the sum of ~~[~~$350,000,~~]~~ ***$500,000*** and may cause warrants or negotiable notes of the district to issue therefor, bearing interest which must not exceed by more than 5 percent the Index of Revenue Bonds which was most recently published before the bids are received or a negotiated offer is accepted. The board may levy an assessment on all lands in the district for the payment of those expenses.

2. ~~[Thereafter]~~ ***Subject to the provisions of subsections 3, 4 and 5, thereafter*** the board may levy ~~[an]~~ **:**

(a) An annual assessment, in the absence **, *except as otherwise provided in paragraph (b),*** of assessments therefor pursuant to any of the other provisions of this chapter, of not more than $1.50 ~~*[$5.00]*~~ per acre on all lands in the district for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses ~~[. The assessment]~~ ***; and***

(b) An annual assessment of not more than $5.00 per acre on all the lands in the district for deposit in a capital improvement fund for the construction, reconstruction or maintenance of the irrigation system of the district and any appurtenances necessary thereto.

3. Annual assessments levied pursuant to the provisions of subsection 2 may not cumulatively exceed $5.00 per acre.

4. No portion of the amount collected from the assessment levied pursuant to the provisions of paragraph (b) of subsection 2 may be used for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses.

5. The assessments authorized pursuant to the provisions of subsection 2 must be collected as provided in this chapter for the collection of other assessments.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

AN ACT relating to concealed firearms; ~~[requiring a sheriff to offer]~~ **providing that certain** retired law enforcement officers **must be offered** the opportunity to obtain **the firearms qualification that is necessary for** certification to carry a concealed firearm at least twice per year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a retired law enforcement officer who is a resident of this State to apply to the sheriff of the county in which he resides for certification to become a qualified retired law enforcement officer. (NRS 202.3678) Such certification confirms that the retired law enforcement officer meets the requirements to carry a concealed firearm under Nevada law and federal law. (NRS 202.350; 18 U.S.C. § 926C(d)) This bill requires ~~[a sheriff]~~ **the law enforcement agency from which a law enforcement officer retired** to offer **the** retired law enforcement ~~[officers]~~ **officer** the opportunity to obtain **the firearms qualification that is necessary to obtain** such certification at least twice per year.

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

Section 1. NRS 202.3678 is hereby amended to read as follows:

202.3678 1. A retired law enforcement officer who is a resident of this State may apply, on a form prescribed by regulation of the Department, to the sheriff of the county in which he resides for any certification required pursuant to 18 U.S.C. § 926C(d) to become a qualified retired law enforcement officer. Application forms for certification must be provided by the sheriff of each county upon request. ~~*[The sheriff of each county shall offer applicants for certification the opportunity to obtain certification at least twice per year.]*~~

2. ***A law enforcement agency in this State shall offer a retired law enforcement officer who retired from the law enforcement agency the opportunity to obtain the firearms qualification that is necessary to obtain the certification from the sheriff pursuant to subsection 1 at least twice per year at the same facility at which the law enforcement agency provides firearms training for its active law enforcement officers. The law enforcement agency may impose a nonrefundable fee in the amount necessary to pay the expenses for providing the firearms qualification.***

3. The sheriff shall provide the certification pursuant to subsection 1 to a retired law enforcement officer who submits a completed application and pays any fee required pursuant to ***this*** subsection ~~[3]~~ if the sheriff determines that the officer meets the standards for training and qualifications.

~~[3.]~~ The sheriff may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.

4. As used in this section ~~[, "qualified]~~ **:**

(a) "Law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

(b) "Qualified retired law enforcement officer" has the meaning ascribed to it in 18 U.S.C. § 926C.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 351.

AN ACT relating to common-interest communities; revising the procedures for voting for a member of the executive board of an association under certain circumstances; requiring that the regulations governing the issuance of certificates for community managers must contain certain provisions relating to persons who formerly engaged in community management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides **that the executive board of a unit-owners' association may nominate a person to serve on the executive board and that qualified members of the association may also have their names placed on the ballot along with the nominees for election to the executive board. Existing law also provides** that the election of any member of the executive board of a unit-owners' association must be conducted by secret written ballot, unless the declaration of the association provides that voting rights may be exercised by delegates or representatives. (NRS 116.31034) **Section 1** of this bill provides that if **the number of candidates nominated for membership on the executive board is less than or equal to the number of open positions on the executive board, then the executive board may deem such nominees duly elected members of the executive board without conducting a formal election by the members of the association.** ~~[an election is for an incumbent member of the executive board who is running without opposition, no secret written ballot is required.]~~

Existing law requires the Commission on Common-Interest Communities and Condominium Hotels to adopt regulations governing the issuance of certificates for community managers. (NRS 116A.410) **Section 2** of this bill

provides that those regulations must establish a procedure for a person who was previously issued a certificate and who no longer holds a certificate to reapply for and obtain a new certificate without undergoing any period of supervision by another community manager, regardless of the length of time that has passed since the person last acted as a community manager.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association. ***Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his eligibility to serve as a member of the executive board pursuant to this subsection, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:***

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The candidates so nominated shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the prescribed period for nominations; and

(c) The units' owners will receive notification that the candidates so nominated have been elected to the executive board.

5. Each person ~~[whose name is placed on the ballot]~~ ***who is nominated*** as a candidate for a member of the executive board ***pursuant to subsection 4*** must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot ***or, in the event ballots are not prepared and mailed pursuant to subsection 4,*** in the manner established ***for distribution of ballots*** in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** election of any member of the executive board must be conducted by secret written ballot unless ~~*[the election is for an incumbent member of the executive board who is unopposed in seeking reelection or unless]*~~ the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116A.410 is hereby amended to read as follows:

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.

(b) May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) ***Must establish a procedure for a person who was previously issued a certificate and who no longer holds a certificate to reapply for and obtain a new certificate without undergoing any period of supervision under another community manager, regardless of the length of time that has passed since the person last acted as a community manager.***

(d) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

Sec. 3. This act becomes effective on July 1, 2009.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

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

Amendment No. 289.

SUMMARY— ~~[Requires]~~ **Authorizes** the Aging Services Division of the Department of Health and Human Services to establish a program of all-inclusive care for the elderly in certain counties. (BDR 38-509)

AN ACT relating to public health; ~~[requiring]~~ **authorizing** the Aging Services Division of the Department of Health and Human Services to establish a program of all-inclusive care for the elderly in certain counties; ~~[requiring]~~ **authorizing** the Division to adopt regulations ~~[and]~~ **to carry out the program; authorizing the Division** to establish a schedule of fees for services provided under the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging Services Division of the Department of Health and Human Services to establish and administer a program to provide

the community-based services necessary to enable a frail elderly person to remain in his home and avoid placement in a facility for long-term care. (NRS 427A.250) **Section 1** of this bill ~~[requires]~~ **authorizes** the Division to establish a community-based and in-home program of all-inclusive care for the elderly, commonly referred to as a PACE program, in accordance with the provisions of federal law authorizing such programs. (42 U.S.C. 1396u-4; 42 C.F.R. Part 460) ~~[The]~~ **If the Division establishes a PACE program, the** program must be established in any county in this State whose population is 100,000 or more but less than 400,000 (currently Washoe County). **Section 1** ~~[requires]~~ **authorizes** the Division to adopt regulations necessary to establish and administer the program. **Section 1** also requires the Director of the Department **, if the Division wishes to establish a PACE program,** to submit to the Secretary of Health and Human Services any amendment to the State Plan for Medicaid necessary to enable the Division to establish the PACE program and to revise the program from time to time.

Section 2 of this bill authorizes the Division to contract with public or private entities to carry out the PACE program. (NRS 427A.260) **Section 3** of this bill authorizes the Division to apply for and accept any money available to establish and administer the program. **Section 3** further authorizes the Division to establish a schedule of fees to be charged for the provision of services under the program. (NRS 427A.270)

Section 4 of this bill clarifies that the PACE program established pursuant to **section 1** of this bill is in addition to any test program or demonstration program established by the Division concerning the various ways in which community-based services and all-inclusive care can be provided to frail elderly persons. (NRS 427A.280)

Section 7 of this bill requires the Division to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Committee on Health Care semiannual reports on the progress of the Division in establishing a PACE program.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any program established pursuant to NRS 427A.250, the Division ~~[shall]~~ may establish and administer a program of all-inclusive care for the elderly, commonly known as a PACE program. The program may be carried out solely by the Division or in cooperation with another state agency, the Federal Government or any local government.

2. ~~[The]~~ A program established pursuant to subsection 1 must:

(a) Comply with the provisions of 42 U.S.C. 1396u-4, 42 C.F.R. Part 460 and any other federal regulations governing programs of all-inclusive care for the elderly; and

(b) Be established in any county in this State whose population is 100,000 or more but less than 400,000.

3. The Division ~~*[shall]*~~ ***may adopt regulations necessary to establish and administer the program.***

4. ~~*[The]*~~ ***If the Division wishes to establish a program pursuant to subsection 1, the Director shall submit to the Secretary of Health and Human Services any amendment to the State Plan for Medicaid necessary to enable the Division to establish the program and to revise the program from time to time.***

Sec. 2. NRS 427A.260 is hereby amended to read as follows:

427A.260 1. The Division may use personnel of the Division or it may contract with any appropriate public or private agency, organization or institution to provide ***a program of all-inclusive care for the elderly and to provide*** the community-based services necessary to enable a frail elderly person to remain in his home.

2. Any such contract must:

(a) Include a description of the type of service to be provided;

(b) ~~[~~Specify~~]~~ ***For:***

(1) A program of all-inclusive care for the elderly, specify the capitation rate to be paid for all-inclusive care for the elderly and the method of payment; and

(2) Any other community-based services, specify the price to be paid for each service and the method of payment; and

(c) Specify the criteria to be used to evaluate the provision of the service.

Sec. 3. NRS 427A.270 is hereby amended to read as follows:

427A.270 1. The Division may apply for, accept and expend any federal or private grant of money or other type of assistance that becomes available to carry out the provisions of NRS 427A.250 to 427A.280, inclusive ~~[.]~~ ***, and section 1 of this act.*** Any money received pursuant to this section must be deposited with the State Treasurer and accounted for separately in the State General Fund.

2. The Division shall, with the approval of the Commission and Director, establish a schedule of fees to be charged and collected for any service provided pursuant to NRS 427A.250 to 427A.280, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. NRS 427A.280 is hereby amended to read as follows:

427A.280 ~~[~~The~~]~~ ***In addition to the program established pursuant to section 1 of this act, the*** Division may initiate projects to test and demonstrate various ways of providing the community-based services ***and all-inclusive care*** necessary to enable a frail elderly person to remain in his home.

Sec. 5. NRS 427A.310 is hereby amended to read as follows:

427A.310 1. Except as otherwise provided in subsection 2, the Ombudsman for Aging Persons shall provide assistance to persons who are

60 years of age or older and do not reside in facilities for long-term care. The assistance must include at least the:

(a) Coordination of resources and services available to aging persons within their respective communities, including the services provided through ~~[the]~~ ***a*** program established pursuant to NRS 427A.250 ~~[.]~~ ***or section 1 of this act;***

(b) Dissemination of information to aging persons on issues of national and local interest, including information regarding the services of the Ombudsman and the existence of groups of aging persons with similar interests and concerns;

(c) Publication of a guide for use in each county of this State regarding the resources and services available for aging persons in the respective county; and

(d) Advocation of issues relating to aging persons.

2. Upon request by the Administrator, the Ombudsman for Aging Persons shall temporarily perform the duties of advocates for residents of facilities for long-term care specified in NRS 427A.125 to 427A.165, inclusive.

Sec. 6. NRS 123.259 is hereby amended to read as follows:

123.259 1. Except as otherwise provided in subsection 2, a court of competent jurisdiction may, upon a proper petition filed by a spouse or the guardian of a spouse, enter a decree dividing the income and resources of a husband and wife pursuant to this section if one spouse is an institutionalized spouse and the other spouse is a community spouse.

2. The court shall not enter such a decree if the division is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. Unless modified pursuant to subsection 4 or 5, the court may divide the income and resources:

(a) Equally between the spouses; or

(b) By protecting income for the community spouse through application of the maximum federal minimum monthly maintenance needs allowance set forth in 42 U.S.C. 1396r-5(d)(3)(C) and by permitting a transfer of resources to the community spouse an amount which does not exceed the amount set forth in 42 U.S.C. 1396r-5(f)(2)(A)(ii).

4. If either spouse establishes that the community spouse needs income greater than that otherwise provided under paragraph (b) of subsection 3, upon finding exceptional circumstances resulting in significant financial duress and setting forth in writing the reasons for that finding, the court may enter an order for support against the institutionalized spouse for the support of the community spouse in an amount adequate to provide such additional income as is necessary.

5. If either spouse establishes that a transfer of resources to the community spouse pursuant to paragraph (b) of subsection 3, in relation to the amount of income generated by such a transfer, is inadequate to raise the

income of the community spouse to the amount allowed under paragraph (b) of subsection 3 or an order for support issued pursuant to subsection 4, the court may substitute an amount of resources adequate to provide income to fund the amount so allowed or to fund the order for support.

6. A copy of a petition for relief under subsection 4 or 5 and any court order issued pursuant to such a petition must be served on the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services when any application for medical assistance is made by or on behalf of an institutionalized spouse. ~~[He]~~ ***The Administrator*** may intervene no later than 45 days after receipt by the Division of Welfare and Supportive Services of the Department of Health and Human Services of an application for medical assistance and a copy of the petition and any order entered pursuant to subsection 4 or 5, and may move to modify the order.

7. A person may enter into a written agreement with his spouse dividing their community income, assets and obligations into equal shares of separate income, assets and obligations of the spouses. Such an agreement is effective only if one spouse is an institutionalized spouse and the other spouse is a community spouse or a division of the income or resources would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive ~~[.]~~ ***, and section 1 of this act.***

8. An agreement entered into or decree entered pursuant to this section may not be binding on the Division of Welfare and Supportive Services of the Department of Health and Human Services in making determinations under the State Plan for Medicaid.

9. As used in this section, "community spouse" and "institutionalized spouse" have the meanings respectively ascribed to them in 42 U.S.C. 1396r-5(h).

Sec. 7. **The Aging Services Division of the Department of Health and Human Services shall, on or before March 1 and October 1 of each year, submit a report on the progress of the Division in establishing a PACE program pursuant to section 1 of this act to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, the Legislative Committee on Health Care.**

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 412.

SUMMARY— ~~[Repeals the provisions that require the assessment for purposes of property taxation of property used as a golf course as an open-space use.]~~ **Requires certain golf courses assessed as open-space real**

property to be designated as open-space real property under applicable zoning ordinances. (BDR 32-640)

AN ACT relating to the taxation of property; ~~[repealing the provisions that require the assessment of property used as a golf course as an open-space use;]~~ **requiring certain golf courses assessed as open-space real property to be designated as open-space real property under applicable zoning ordinances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[an owner of open-space real property may apply for the assessment of the property for taxation purposes on the basis of that open-space use, thereby deferring part of the tax liability of the property during the continuation of that open-space use. (Chapter 361A of NRS) If the open-space property is converted to a higher use, the deferred property taxes must be paid for the current fiscal year and the preceding 6 fiscal years. (NRS 361A.280) Sections 1-8 of this bill repeal the statutory provisions that mandate the assessment of a golf course as open-space real property. Section 9 of this bill requires the taxation of a golf course for the next and subsequent fiscal years in the same manner and amount as if the Legislature had never mandated its assessment as open-space real property, except that liability for the payment of deferred taxes will continue to apply for the same period as it does under existing law to property that ceases to be used as a golf course and does not otherwise qualify for open-space use assessment.]~~ **property used as a golf course must be assessed for property tax purposes as open-space real property. (NRS 361A.170) This bill requires the designation of such a golf course under any applicable zoning ordinance as open-space real property, unless the golf course is located in a common-interest community or planned unit development, or is operated in conjunction with and adjacent to a resort hotel.**

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

Delete existing sections 1 through 10 of this bill and replace with the following new sections 1 through 3:

Section 1. **NRS 361A.170 is hereby amended to read as follows:**

361A.170 1. Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use. ***Property assessed as open-space real property pursuant to this subsection must be designated under any applicable zoning ordinance as open-space real property, unless the property is:***

(a) Located in a common-interest community or planned unit development; or

(b) Operated in conjunction with and adjacent to a resort hotel as defined in NRS 463.01865.

2. In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of

each city or county shall, from time to time, specify by resolution additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.

3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment based on a designation or classification adopted pursuant to subsection 2. The criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 2. **Each local government whose jurisdiction for zoning purposes includes one or more golf courses with a zoning designation that is not in compliance with the provisions of NRS 361A.170, as amended by this act, shall take such actions as are necessary to conform each such zoning designation as soon as practicable after the effective date of this act.**

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

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 402.

AN ACT relating to appointments; creating the Legislative Committee on Appointments; providing that appointments by the Governor to certain offices or positions within the Executive Branch of State Government ~~[are effective for only 90 days unless they are]~~ **must be** confirmed **or rejected** by the Committee ~~[,]~~ **within 60 days after the date of the appointment; providing that such an appointment shall be deemed to have been confirmed if the Committee fails to reject the appointment within that period;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Governor has the authority under existing law to appoint persons to offices and positions within the various departments, boards and commissions of the Executive Branch of State Government. **Section 1** of this bill provides that certain appointments by the Governor ~~[are effective for 90 days but are not effective after that time unless they are]~~ **must be** confirmed **or rejected** by the Legislative Committee on Appointments ~~[.]~~ **within 60 days after the date of the appointment. Section 1 also provides that the appointment shall be deemed to have been confirmed if the**

Committee fails to reject the appointment within the 60-day period. (NRS 209.121, 213.108, 232.050, 232.515, 360.120, 463.024, 463.050, 703.030)

Section 4 of this bill creates the Legislative Committee on Appointments, consisting of the Chair of the Senate Standing Committee on Legislative Operations and Elections and three members of the Senate and three members of the Assembly, appointed by the Legislative Commission. **Section 6** of this bill requires the Committee to investigate and hold hearings to determine whether a person appointed by the Governor ought to be confirmed in that appointment. **Section 6** also requires the Committee to limit the scope of its inquiries to the professional qualifications and experience of the appointee and his fitness to hold the office or position to which he has been appointed. Finally, **section 6** authorizes the Committee to require the appointee to cooperate with the Committee and to provide evidence and testimony to enable the Committee to determine whether the appointee ought to be confirmed in his appointment.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Governor appoints a person to any of the following offices or positions, the appointment ~~*[is effective for 90 days after the date of the appointment but is not effective after that time unless the appointment has been]*~~ ***must be confirmed or rejected by the Legislative Committee on Appointments*** ~~*[created pursuant to section 4 of this act:]*~~ ***within 60 days after the date of the appointment:***

(a) The Director of the Department of Business and Industry.

(b) The Director of the State Department of Conservation and Natural Resources.

(c) The Director of the Department of Corrections.

(d) The Executive Director of the Department of Taxation.

(e) The Chairman of the Nevada Gaming Commission.

(f) A Commissioner of the Public Utilities Commission of Nevada.

(g) A member of the State Board of Parole Commissioners.

(h) A member of the State Gaming Control Board.

2. A person whom the Governor appoints to an office or position set forth in subsection 1 has full authority to perform and shall begin to discharge the duties of the office or position immediately upon his appointment, subject to confirmation or rejection by the Legislative Committee on Appointments.

3. If the Governor appoints a person to an office or position set forth in subsection 1, and the Legislative Committee on Appointments fails to ~~*[confirm]*~~ ***reject the appointment within*** ~~*[90]*~~ ***60 days after the date of the***

appointment, the appointment shall be deemed to have been ~~[rejected]~~ confirmed by the Legislative Committee on Appointments.

4. If the Governor appoints a person to an office or position set forth in subsection 1, and the Legislative Committee on Appointments rejects the appointment:

(a) The office or position to which the person was appointed becomes vacant immediately; and

(b) The Governor may not appoint the person to any office or position set forth in subsection 1 for at least 1 year.

5. As used in this section, "Legislative Committee on Appointments" means the Legislative Committee on Appointments created pursuant to section 4 of this act.

Sec. 2. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 8, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Appointments.***

Sec. 4. ***1. There is hereby created the Legislative Committee on Appointments, consisting of:***

(a) Three members of the Senate appointed by the Legislative Commission, one of whom must be a member of the minority political party;

(b) Three members of the Assembly appointed by the Legislative Commission, one of whom must be a member of the minority political party; and

(c) The Chair of the Senate Standing Committee on Legislative Operations and Elections, who shall serve as the Chair of the Committee but may cast a vote only to break a tie.

2. Each appointed member serves for a term of 2 years commencing on July 1 of each odd-numbered year.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

4. Vacancies on the Committee must be filled in the same manner as original appointments.

Sec. 5. ***1. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chair or a majority of the Committee.***

2. The Director of the Legislative Counsel Bureau or a person he designates shall act as the nonvoting recording Secretary.

3. The Committee shall adopt rules for its own management and government.

4. Except as otherwise provided in subsection 5, four members of the Committee constitute a quorum.

5. Any vote to ~~[confirm]~~ reject the Governor's appointment of a person to an office or a position set forth in section 1 of this act requires a majority of the members of the Senate appointed to the Committee and a majority of the members of the Assembly appointed to the Committee.

6. Each member of the Committee, except during a regular or special session of the Legislature, is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Committee or is otherwise engaged in the business of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. The salaries and expenses paid pursuant to this subsection and any other expenses of the Committee must be paid from the Legislative Fund.

Sec. 6. ***1. The Committee shall:***

(a) Investigate and hold hearings to determine whether a person appointed by the Governor to an office or position set forth in section 1 of this act ought to be confirmed in that appointment.

(b) Limit the scope of its inquiries to the professional qualifications and experience of the appointee and his fitness to hold the office or position to which he has been appointed.

2. The Committee shall not inquire into the administration, budget or activities of the agency to which the person has been appointed.

3. The Committee may require the appointee to:

(a) Testify before the Committee;

(b) Submit a copy of his professional resume or curriculum vitae and to provide evidence to substantiate the education and experience claimed therein;

(c) Consent to the performance of an investigation of his criminal history; and

(d) Provide any other evidence necessary to enable the Committee to determine whether the appointee ought to be confirmed in his appointment.

4. The Committee shall promptly notify the Governor and the Legislative Commission in writing of its confirmation or rejection of an appointment.

Sec. 7. ***1. In conducting the investigations and hearings of the Committee:***

(a) Any member of the Committee may administer oaths.

(b) The Chair of the Committee may cause the deposition of witnesses, residing either within or outside of 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 Chair may issue subpoenas to compel the attendance of witnesses and the production of books, papers or documents.

2. If a witness refuses to attend or testify or to produce books, papers or documents as required by the subpoena, the Chair may report to the district court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books, papers or documents;

(b) That the witness has been subpoenaed by the Committee pursuant to this section; and

(c) That the witness has failed or refused to attend or to produce the books, papers or documents required by the subpoena before the Committee that are 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 to produce the books, papers or documents before the Committee.

3. Upon such a 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, papers or documents 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, papers or documents. Failure to obey the order constitutes contempt of court.

Sec. 8. ***Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and the Chair of the Committee.***

Sec. 9. The provisions of this act do not apply to any appointment made by the Governor before January 1, 2010.

Sec. 10. Notwithstanding the provisions of section 4 of this act, the Legislative Commission shall, as soon as practicable after the effective date of this act, make its initial appointments to the Legislative Committee on Appointments. The terms of the members who are appointed pursuant to this section end on June 30, 2011.

Sec. 11. This act becomes effective on January 1, 2010.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

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 Government Affairs:

Amendment No. 180.

AN ACT relating to cultural affairs; providing for the Administrator of the Division of Museums and History of the Department of Cultural Affairs to require a museum director or a member of his staff to perform the functions of State Paleontologist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Division of Museums and History of the Department of Cultural Affairs may authorize or require each museum director to perform certain duties. (NRS 381.0063) This bill provides for the Administrator to require a museum director to serve as, or to designate a museum employee to serve as, ex officio State Paleontologist. This bill also requires the State Paleontologist to perform **, within the limits of available time, money and staff,** certain duties related to paleontological and fossil research and resources within the State.

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

Section 1. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005 or 378.0089, authorize or require each museum director to perform such duties set forth in ~~[~~subsection~~]~~ ***subsections*** 2 ***and 3*** as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects,

including, without limitation, drawings, etchings, lithographs, photographs, paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in archeology, anthropology, ***paleontology,*** mineralogy, ethnology, ornithology and such other scientific programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of

Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

3. ***The Administrator shall require a museum director to serve as, or to designate*** ~~***[a qualified]***~~ ***an employee to serve as, ex officio State Paleontologist.*** ~~*[If an employee is designated by the museum director as the State Paleontologist, the museum director shall provide the State Paleontologist with the necessary supplies to carry out the duties of State Paleontologist.]*~~ ***The State Paleontologist shall*** ~~*[:]*~~ ***, within the limits of available time, money and staff:***

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State ~~*[:]*~~ ***, including, without limitation, regulating and issuing permits to engage in such activities;***

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

~~[4.]~~ ***5.*** The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 352.

AN ACT relating to common-interest communities; revising provisions governing the audit and review of financial statements of common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a unit owners' association with an annual budget of less than $75,000 to have its financial statement audited once every 4 fiscal years unless an audit for a fiscal year in which an audit will not be conducted is requested by 15 percent of the total number of voting members of the association. This bill **eliminates the requirement of an audit and instead** requires the financial statement of such an association to be reviewed ~~[once every 4 fiscal years]~~ **in the year immediately preceding the year in which a study of the association's reserves is conducted** unless ~~[an audit]~~ **a review** is otherwise requested by the voting members of the association.

Existing law also requires an association with an annual budget of $75,000 or more but less than $150,000 to have its financial statement audited once every 4 fiscal years and reviewed every fiscal year for which an audit is not conducted. This bill **eliminates the requirement of an audit and instead** requires the financial statement of such an association to be reviewed every fiscal year **.** ~~[unless an audit is otherwise requested by 15 percent of the total number of voting members of the association.]~~ (NRS 116.31144)

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

Section 1. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be ~~[audited]~~ ***reviewed*** by an independent certified public accountant ~~[at least]~~ ~~[once every 4 fiscal years.]~~ ***during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.***

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be ~~[:~~

~~(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and~~

~~(2) Reviewed]~~ ***reviewed*** by an independent certified public accountant every fiscal year **.** ~~[for which an audit is not conducted.]~~

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which ~~[an audit]~~ ***a review*** of the financial statement of the association will not be conducted pursuant to ***paragraph (a) of*** subsection 1, the executive board shall cause the financial statement for

that fiscal year to be ~~[audited]~~ ***reviewed*** by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such ~~[an audit.]~~ ***a review.***

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

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

Amendment No. 158.

AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue **a** limited ~~[permits to treat patients under certain circumstances as part of a supervised course of dental education;]~~ **license to supervise certain courses of continuing education involving live patients; authorizing students to participate in such courses of continuing education under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill allows a person ~~[licensed to practice dentistry in another jurisdiction]~~ **who has received a degree in dentistry from an accredited program** to receive a limited ~~[permit to treat a specified patient as part of a supervised course of dental education under certain circumstances. Section 1 also places certain restrictions on the treatment of a patient by a person who receives such a limited permit.]~~ **license to supervise certain courses of continuing education involving live patients.** A limited ~~[permit]~~ **license** issued under **section 1** expires ~~[5 years]~~ **1 year** after being issued and may be renewed ~~[for an additional year if necessary to complete the course of continuing dental education.]~~ **annually. Section 1 also: (1) authorizes the Board of Dental Examiners of Nevada to charge a fee for the issuance or renewal of the limited license; (2) authorizes the Board to suspend or revoke the limited license under certain circumstances; and (3) imposes a duty upon the holder of the limited license to report certain events to the Board.**

Section 2 of this bill provides that NRS 631.215 does not prevent a dentist who is licensed in another state or country from participating in a course of postgraduate continuing education in dentistry supervised by the holder of a limited license issued pursuant to section 1 under certain circumstances.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited ~~[permit]~~ license to a person to ~~[treat a specified patient if the person:~~

~~(a) Is a student enrolled in a supervised course of dental education presented as part of a program of postgraduate dental education; and~~

~~(b) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, the District of Columbia or a foreign country that authorizes the person to treat the specified patient in that jurisdiction.]~~ supervise courses of continuing education involving live patients at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor.

2. ~~[A person to whom a limited permit is issued pursuant to this section may only treat a specified patient who:~~

~~(a) Is a patient of the person in the jurisdiction in which the person is licensed to practice dentistry; and~~

~~(b) Has provided a properly executed informed consent to the treatment.~~

~~3. A limited license issued pursuant to this section authorizes the person to whom it is issued to practice only at the facility at which the supervised course of dental education is conducted while under the direct supervision of a member of the faculty at that facility.~~

~~4.]~~ A limited ~~[permit]~~ license issued pursuant to this section expires ~~[5 years]~~ 1 year after the date of its issuance and may be renewed ~~[on or before the date of its expiration for 1 additional year if necessary for the completion of a supervised course of dental education.]~~ annually upon submission of proof acceptable to the Board of compliance with subsection 1 and payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than $100 for the issuance and each renewal of a limited license issued pursuant to this section.

4. A limited license issued pursuant to this section may be suspended or revoked by the Board if the holder of the limited license:

(a) Has had his license to practice dentistry suspended, revoked or placed on probation in another state, territory or possession of the United States, the District of Columbia or a foreign country;

(b) Has been convicted of a felony or misdemeanor involving moral turpitude; or

(c) Has a documented history of substance abuse.

5. A holder of a limited license issued pursuant to this section shall notify the Board in writing by certified mail not later than 30 days after:

(a) The death of a patient being treated by a dentist under the supervision of the holder of a limited license;

(b) Any incident which:

(1) Results in the hospitalization of or a permanent physical or mental injury to a patient being treated by a dentist under the supervision of the holder of a limited license; and

(2) Occurs while the dentist is treating the patient under the supervision of the holder of a limited license; or

(c) Any event or circumstance described in subsection 4.

Sec. 2. **NRS 631.215 is hereby amended to read as follows:**

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his name which in any way represents him as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that he can or will attempt to perform dental operations of any kind;

(c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to section 1 of this act.

Sec. 3. **NRS 631.330 is hereby amended to read as follows:**

631.330 1. Licenses issued pursuant to NRS 631.271 and 631.275 ***and section 1 of this act*** must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271 and 631.275 ~~[.]~~ ***and section 1 of this act:***

(a) Each holder of a license to practice dentistry or dental hygiene must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➥ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 4. **NRS 631.345 is hereby amended to read as follows:**

631.345 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry $1,500
Application fee for an initial license to practice dental hygiene 750
Application fee for a specialist's license to practice dentistry 300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene 300
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation. 750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation 500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation $600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation 350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry 300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene 600
Annual license renewal fee for a limited license to practice dental hygiene 300
Biennial license renewal fee for an inactive dentist 400

Biennial license renewal fee for a dentist who is retired or has a disability..... 100
Biennial license renewal fee for an inactive dental hygienist..... 200
Biennial license renewal fee for a dental hygienist who is retired or has a disability..... 100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene..... 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene..... 500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status..... 500
Fee for the certification of a license..... 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 5. **NRS 631.350 is hereby amended to read as follows:**

631.350 1. Except as otherwise provided in NRS 631.271 and 631.347, ***and section 1 of this act,*** the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ upon submission of substantial evidence to the Board that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry or dental hygiene;

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

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

Amendment No. 327.

SUMMARY—Provides for the appointment of a **Small** Business Ombudsman. (BDR 18-1082)

AN ACT relating to the State Government; creating the Office of the **Small** Business Ombudsman in the Office of the Governor; providing for the appointment of the Ombudsman; setting forth his duties; prohibiting a person from willfully obstructing, misleading or attempting to mislead the Ombudsman in the discharge of his duties; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill establishes the Office of the **Small** Business Ombudsman in the Office of the Governor. The Governor is required to appoint the Ombudsman. The Ombudsman is in the unclassified service of the State and serves at the pleasure of the Governor. **Section 5** of this bill sets forth the duties of the Ombudsman, which include: (1) ensuring that **small** businesses which are subject to enforcement activities such as audits and on-site inspections by public agencies have a means to comment on their interactions with the employees of the public agency; (2) establishing a means of receiving the comments from affected **small** businesses about their interactions with employees of public agencies during enforcement activities; (3) establishing a rating system for public agencies; and (4) filing certain

reports based on substantiated comments from **small** businesses, findings of the Ombudsman and recommendations of the Ombudsman. **Section 7** of this bill makes it a misdemeanor to mislead, attempt to mislead or obstruct the Ombudsman in the discharge of his duties.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, "Ombudsman" means the Small Business Ombudsman appointed pursuant to section 4 of this act.***

Sec. 3. ***The provisions of NRS 223.085 do not apply to the provisions of sections 2 to 7, inclusive, of this act.***

Sec. 4. ***1. The Office of the Small Business Ombudsman is hereby established in the Office of the Governor.***

2. The Governor shall appoint a person to serve as the Ombudsman. The Ombudsman:

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

(b) Serves at the pleasure of the Governor.

3. The Ombudsman must not have any conflict of interest relating to the performance of his duties pursuant to sections 2 to 7, inclusive, of this act.

Sec. 5. ***The Ombudsman shall:***

1. Work in coordination with each public agency that has regulatory authority over a small business in this State to ensure that small businesses which are subject to enforcement-related communication by employees of the public agency, including, without limitation, audits or on-site inspections, are provided with a means to comment on the enforcement activity conducted by the employees of the public agency.

2. Establish a means to receive comments from a small business regarding the actions of an employee of a public agency conducting an enforcement activity, a means to refer comments received to the director, administrator, chief or other person in charge of the public agency when appropriate and a means to keep the identity of the person or small business making the comment confidential.

3. Establish a rating system for public agencies which includes, without limitation, rating an agency on whether the public agency has notified the small businesses which it regulates about the Ombudsman and the purpose of the Office of the Small Business Ombudsman and whether the public agency has adopted a policy against reprisal and retaliation for the filing of complaints against a public agency with the Ombudsman.

4. Based upon substantiated comments received from small businesses, prepare a report evaluating the enforcement activities of the employees of public agencies, including a rating of the responsiveness to small

businesses of the regional and program offices of each public agency, and submit it to:

(a) The Governor on or before January 30 of each year; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature on or before January 30 of each odd-numbered year.

5. Provide an affected public agency with the opportunity to comment on draft reports prepared pursuant to subsection 4 before the final report is submitted and include the comments of the public agency with the final report.

6. Compile a report of the findings and recommendations of the Ombudsman for each public agency and submit it to the Governor and the director, administrator, chief or other person in charge of each affected public agency on or before July 31 of each year.

7. As used in this section ~~*[, "public]*~~ **:**

(a) "Public agency" means an agency or political subdivision of this State.

(b) "Small business" means a business entity, including, without limitation, an affiliate of the business entity, which:

(1) Is independently owned and operated and not dominant in its field;

(2) Employs not more than 50 full-time employees; and

(3) Has gross annual sales of less than $5,000,000.

Sec. 6. ***The Ombudsman may employ such persons in the unclassified service of the State as he determines to be necessary to carry out the provisions of sections 2 to 7, inclusive, of this act.***

Sec. 7. ***A person who willfully obstructs, misleads or attempts to mislead the Ombudsman in the discharge of his duties pursuant to sections 2 to 7, inclusive, of this act is guilty of a misdemeanor.***

Sec. 8. This act becomes effective on January 1, 2010.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time.

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

Amendment No. 284.

SUMMARY— ~~[Makes various changes]~~ **Authorizes a program to provide grants to nonprofit private entities** concerning small business start-ups for veterans and senior citizens. (BDR ~~[18-123)]~~ **53-123)**

AN ACT relating to economic development; ~~[requiring the Commission on Economic Development to administer a program of grants to nonprofit organizations that provide loans for small businesses being started by~~

~~veterans and senior citizens; establishing an account to provide funds for the program of grants; requiring that certain payments made by employers be deposited into the account;~~] **authorizing a program of grants to nonprofit entities to provide loans to veterans and senior citizens to start small businesses;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[~~Sections 2 and 3 of this bill require the Commission on Economic Development to establish and administer the Senior Citizen and Veteran Small Business Start-Up Account. The purpose of the Account is to provide grants of money to nonprofit entities, which must use the money to make start-up loans to senior citizens and veterans starting small businesses.~~

~~Existing law requires certain employers to make payments at the rate of .05 percent of the wages paid to employees into the Unemployment Compensation Administration Fund for a program of the employment and training of unemployed persons and persons employed in this State. (NRS 612.606) Sections 4 and 5 of this bill require that 30 percent of the money collected from those employers be deposited in the Senior Citizen and Veteran Small Business Start-Up Account.~~] **Existing law requires certain employers to make payments into the Unemployment Compensation Administration Fund for the program for the employment and training of unemployed persons and persons employed in this State. (NRS 612.606, 612.607) This bill authorizes the expenditure of such money to establish a program to provide grants to nonprofit private entities to be used to make loans to veterans and senior citizens to start small businesses.**

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

Section 1. [~~Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.~~] **(Deleted by amendment.)**

Sec. 2. [~~*1. The Commission on Economic Development shall establish with the State Treasurer a special account in the State General Fund to be known as the Senior Citizen and Veteran Small Business Start-Up Account.*~~

~~*2. Any money received by the State Treasurer pursuant to NRS 612.607 must be deposited in the Account established pursuant to subsection 1.*~~

~~*3. The Commission may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this section and section 3 of this act. Any money the Commission receives pursuant to this subsection must be deposited in the Account established pursuant to subsection 1.*~~

~~*4. The interest and income earned on money in the Account must be credited to the Account. Money that remains in the Account at the end of*~~

~~*the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*~~

~~*5. Any claims against the Account must be paid as other claims against the State are paid.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Commission on Economic Development shall administer the Senior Citizen and Veteran Small Business Start Up Account established pursuant to section 2 of this act and may make grants of money to a nonprofit private entity for the purpose of allowing that entity to make loans of seed money to veterans and senior citizens to start small businesses.*~~

~~*2. A recipient may use the money only to make loans to be used as seed money by veterans and senior citizens to start small businesses.*~~

~~*3. Seed money loaned to a veteran or senior citizen pursuant to this section must be used to pay the costs of starting a new small business, including, without limitation:*~~

~~*(a) The costs of purchasing, leasing, renovating or building a facility.*~~

~~*(b) The procuring of signs, fixtures, supplies, inventory and advertising.*~~

~~*(c) Fees for building permits, business licenses and required inspections.*~~

~~*4. The Commission shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this section.*~~

~~*5. As used in this section:*~~

~~*(a) "Seed money" means money used for setting up a new small business.*~~

~~*(b) "Senior citizen" has the meaning ascribed to it in NRS 439.650.*~~

~~*(c) "Small business" means a business conducted for profit which is intended to employ fewer than 150 full time or part time employees.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 612.606 is hereby amended to read as follows:~~

~~612.606 1. Except as otherwise provided in subsection 4, in addition to any other contribution required by this chapter, each employer shall make payments into the Unemployment Compensation Administration Fund *created in NRS 612.605* for the program for the employment and training of unemployed persons and persons employed in this State *and the Senior Citizen and Veteran Small Business Start Up Account established pursuant to section 2 of this act* at the rate of .05 percent of the wages he pays.~~

~~2. The interest and forfeit provisions of NRS 612.620 and 612.740, respectively, are inapplicable to the payments required by this section.~~

~~3. In determining unemployment compensation contribution rates assigned to employers pursuant to this chapter, payments paid *pursuant to this section* into the Unemployment Compensation Administration Fund *created in NRS 612.605* for the program for the employment and training of unemployed persons and persons employed in this State **[**pursuant to this section**]** *and the Senior Citizen and Veteran Small Business Start Up Account established pursuant to section 2 of this act* must remain separate~~

~~from any other contribution paid pursuant to this chapter and must not be included in any manner in computing the contribution rates to be assigned to employers under NRS 612.550.~~

~~4. The provisions of this section do not apply to an employer:~~

~~(a) Who has been assigned a contribution rate of 5.4 percent pursuant to subsection 6 of NRS 612.550; or~~

~~(b) Who has elected to make reimbursement in lieu of contributions pursuant to NRS 612.553.~~ **(Deleted by amendment.)**

Sec. 5. NRS 612.607 is hereby amended to read as follows:

612.607 1. All payments collected ~~*[due]*~~ pursuant to NRS 612.606 must be deposited in the Unemployment Compensation Administration Fund. ~~*[transferred to the State Controller for deposit in the State General Fund for distribution in the following manner:*~~

~~*(a) Seventy percent to the Unemployment Compensation Administration Fund created in NRS 612.605; and*~~

~~*(b) Thirty percent to the Senior Citizen and Veteran Small Business Start-Up Account established pursuant to section 2 of this act.*~~

~~*2.]*~~ At the end of each fiscal year, the State Controller shall transfer to the Clearing Account in the Unemployment Compensation Fund the amount by which the unencumbered balance of the money deposited in the Unemployment Compensation Administration Fund pursuant to this subsection ~~*[section]*~~ exceeds the amount of that money which the Legislature has authorized for expenditure during the first 90 days of the succeeding fiscal year.

2. ~~*[3.]*~~ Except for money transferred from the Unemployment Compensation Administration Fund pursuant to subsection 1, the Administrator may only expend the money collected for the employment and training of unemployed persons and persons employed in this State to:

(a) Establish and administer an employment training program which must foster job creation, minimize unemployment costs of employers and meet the needs of employers for skilled workers by providing training to unemployed persons**.** ~~[;]~~

(b) Establish or provide support for job training programs in the public and private sectors for training, retraining or improving the skills of persons employed in this State**.** ~~[; and]~~

(c) ***Establish a program to provide grants of money to a nonprofit private entity to be used to make loans of money to veterans and senior citizens to start small businesses. The Administrator shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this paragraph.***

(d) Pay the costs of the collection of payments required pursuant to NRS 612.606.

3. ~~*[4.]*~~ The money used for the program for the employment and training of unemployed persons and persons employed in this State must supplement and not displace money available through existing employment training

programs conducted by any employer or public agency and must not replace, parallel, supplant, compete with or duplicate in any way existing apprenticeship programs approved by the State Apprenticeship Council.

4. As used in this section:

(a) "Senior citizen" has the meaning ascribed to it in NRS 439.650.

(b) "Small business" means a business conducted for profit which:

(1) Employs 50 or fewer full-time employees; and

(2) Has gross annual sales of less than $5,000,000.

Sec. 6. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to the protection of children; making various changes to provisions governing the court-ordered admission of a child to a locked facility; requiring a court to provide ~~[for]~~ **a hearing to determine whether to include rights to** visitation of siblings ~~[who are separated after the parental rights of their parents are terminated;]~~ **in a decree of adoption;** requiring the development of policies concerning certain medication given to children with emotional disturbances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedure for petitioning a court to order the admission of certain children with emotional disturbances to a locked facility for treatment. (NRS 432B.607-432B.6085) **Section** ~~[1]~~ **1.3** of this bill clarifies that as used in those provisions, "court-ordered admission of a child" includes a child for whom a petition is filed to continue placement after an emergency admission. **Section 1.5 of this bill requires each agency which provides child welfare services to establish appropriate policies concerning the monitoring, use and distribution of psychotropic medication to children who are in the custody of the agency. Section 11 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt consistent policies with respect to the distribution of such medication to children in division facilities.**

Section 3 of this bill requires a petition for the court-ordered admission of a child with an emotional disturbance into a locked facility to be filed within 5 days after an emergency admission ~~[.]~~ **or the child must be released.** (NRS 432B.6075) **Section 4** of this bill clarifies that the court proceeding for the court-ordered admission of a child who is alleged to be a child with an

emotional disturbance must include an evidentiary hearing. (NRS 432B.6076) **Section 5** of this bill expands the manner in which a person is allowed to oppose a petition for the court-ordered admission of a child into a locked facility to include an opposition stated verbally in court. **Section 6** of this bill provides that if a court authorizes a second evaluation team to examine a child who is subject to a court-ordered admission to a locked facility, the second examination must be conducted within 5 business days by a team that is not affiliated with, employed by or otherwise connected to the facility where the child has been admitted. (NRS 432B.6078) **Section 7** of this bill requires a court to apply the same standards in considering a petition to renew a court-ordered admission of a child as were applied to the original petition. **Section 8** of this bill extends the time for developing a plan for the care, treatment and training of a child subject to a court-ordered admission to a locked facility from 5 to 10 days after the child is admitted to the facility, and removes the requirement that the plan include certain criteria which the child must satisfy before discharge. ~~[Section 9 of this bill requires the court to include in an order terminating the parental rights of a child a plan for the child to have reasonable visitation with any sibling of the child if they are not placed together and provides that refusal to comply with any such order will be treated as contempt of court.~~

~~Section 10 of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to ensure that appropriate policies are established concerning the prescribing, use and distribution of psychotropic medication to children in division facilities.]~~

Section 10 of this bill requires a court to conduct a hearing to determine whether to grant visitation rights to a sibling as part of an adoption decree when the adoption is of a child in the custody of an agency which provides child welfare services. Section 10 further requires the agency which provides child welfare services to provide the court that is conducting the adoption proceedings with a copy of any existing order for visitation with a sibling of the child and allows certain interested parties to petition to participate in the determination as to whether to include visitation rights in the adoption decree.

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 ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. "Court-ordered admission of a child" includes, without limitation:

1. A child who is in the custody of an agency which provides child welfare services and who is not in a facility whom the court orders to be admitted to a facility; and

2. A child who has been placed in a facility under an emergency admission and whom the court orders to be admitted for the purpose of continuing the placement.

Sec. 1.5. Each agency which provides child welfare services shall establish appropriate policies concerning the monitoring, use and distribution of psychotropic medication to children who are in the custody of the agency.

Sec. 2. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, ***and section ~~[1]~~ 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, ***and section ~~[1]~~ 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 ***1.*** A proceeding for a court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility may be commenced by the filing of a petition with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:

~~[1.]~~ ***(a)*** By a certificate of a physician, psychiatrist or licensed psychologist stating that he has examined the child alleged to be a child with an emotional disturbance and has concluded that the child has an emotional disturbance and, because of that condition, is likely to harm himself or others if allowed his liberty; or

~~[2.]~~ ***(b)*** By a sworn written statement by the petitioner that:

~~[(a)]~~ ***(1)*** The petitioner has, based upon his personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or others if allowed his liberty; and

~~[(b)]~~ ***(2)*** The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. If a petition filed pursuant to this section is to continue the placement of the child after an emergency admission, the petition must be filed not later than 5 days after the emergency admission ~~[.]~~ or the child must be released.

Sec. 4. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. Except as otherwise provided in NRS 432B.6077, if the court finds, after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility ~~[.]~~ ***, including, without limitation, an evidentiary hearing:***

(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that

he is likely to harm himself or others if allowed his liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.

(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or others if allowed his liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.

2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.

Sec. 5. NRS 432B.6077 is hereby amended to read as follows:

432B.6077 1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court ~~[,]~~ ***or stating the opposition in court;*** and

(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

Sec. 6. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, ***and section*** ~~*[1]*~~ ***1.3 of this act,*** 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and, if the child or the child's attorney desires, assist the child in requesting the court to authorize a second examination by an evaluation team that includes a physician, psychiatrist or licensed psychologist ***who are not*** ~~*[affiliated with,]*~~ ***employed by*** ~~*[or otherwise]*~~ ***, connected to or otherwise affiliated with the facility*** other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility. ***A second examination must be conducted not later than 5 business days after the court authorizes the examination.***

2. If the court authorizes a second examination of the child, the examination must:

(a) Include, without limitation, an evaluation concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility; and

(b) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 7. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order for the admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the admission automatically expires at the end of 90 days if not terminated previously by the facility as provided for in subsection 2 of NRS 432B.6084.

2. At the end of the court-ordered period of treatment, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each.

3. For each renewal, the petition must set forth the specific reasons why further treatment in the facility would be in the best interests of the child ~~[.]~~ ***and the court shall apply the same standards when considering a petition to renew the admission of the child as were applied for the original petition for the court-ordered admission of the child.***

Sec. 8. NRS 432B.6081 is hereby amended to read as follows:

432B.6081 A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 shall develop a plan, in consultation with the child, for the continued care, treatment and training of the child upon discharge from the facility. The plan must:

1. Be developed not later than ~~[5]~~ ***10*** days after the child is admitted to the facility;

2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

(a) The anticipated date of discharge of the child from the facility;

(b) ~~[The criteria which must be satisfied before the child is discharged from the facility, as determined by the medical professional responsible for the care, treatment and training of the child in the facility;~~

~~(c)]~~ The name of any psychiatrist or psychologist who will provide care, treatment or training to the child after the child is discharged from the facility, if appropriate;

~~[(d)]~~ ***(c)*** A plan for any appropriate care, treatment or training for the child for at least 30 days after the child is discharged from the facility; and

~~[(e)]~~ ***(d)*** The suggested placement of the child after the child is discharged from the facility.

Sec. 9. ~~[NRS 128.110 is hereby amended to read as follows:~~

~~128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement.~~

~~2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:~~

~~(a) May give preference to the placement of the child with any person related within the third degree of consanguinity to the child whom the person~~

~~or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.~~

~~(b) Shall, if practicable, give preference to the placement of the child together with his siblings.~~

~~➡ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his home.~~

~~***3. If a court terminates the parental rights of the parent or parents of a child and the child is placed separate from any sibling, the court shall include in the order a plan for the reasonable visitation of the child with any such sibling. If the child is subsequently moved or adopted and will remain or become separated from any sibling, the person or agency making the placement must request the court to issue an order requiring the visitation set forth in the earlier order issued pursuant to this subsection. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, he may be punished as for a contempt of court.]*** **(Deleted by amendment.)**

Sec. 10. **Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.

2. Any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child-placing agency may petition the court to participate in the determination of whether to include an order of visitation with a sibling in the decree of adoption.

3. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children. The Commission must approve the credentials, training and experience of deputy administrators and administrative officers appointed for this purpose.

(c) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

(d) Ensure that appropriate policies are established concerning the prescribing, monitoring, use and distribution of psychotropic medication to children in division facilities [.] that are consistent with the policies established pursuant to section 1.5 of this act.

2. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Governor.

3. The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

4. The Administrator may enter into agreements with the Administrator of the Division of Mental Health and Developmental Services of the Department for the care and treatment of clients of the Division of Child and Family Services at any facility operated by the Division of Mental Health and Developmental Services.

[Sec. 11.**]** ***Sec. 12.*** This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 268.

AN ACT relating to taxation; revising the provision providing property tax exemptions for the property of certain nonprofit organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Currently NRS 361.111 provides a tax exemption for property held by the Archaeological Conservancy, Nature Conservancy, American Land Conservancy and Nevada Land Conservancy. **[**This bill amends the statute to remove the names of specific organizations and provide the exemption for the property of nonprofit, 501(c)3 organizations that are organized principally for the conservation of land, cultural resources and natural resources.**]** The statute requires that the property is **[**being**]** held for acquisition by the State or a local governmental unit, and this bill includes the Federal Government as an additional entity. This bill also provides for an additional exemption from taxation if the property is being held indefinitely for purposes of **[**conservation, education or environmental protection.**]** **education, environmental protection or conservation.**

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

Section 1. NRS 361.111 is hereby amended to read as follows:

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy ~~[and held for ultimate acquisition by the State or a local governmental unit are]~~ ~~*[a nonprofit organization is]*~~ ***are*** exempt from taxation if:

(a) The ***property is held for ultimate acquisition by the Federal Government, the State or a local governmental unit and:***

(1) The Federal Government, the State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

~~[(b)]~~ ***(2)*** For property for which the State has given the statement required by ~~[paragraph (a),]~~ ***subparagraph (1),*** the governing body of the county in which the property is located has approved the potential acquisition of the property by the State ~~[.]~~ ***; or***

(b) The property will be held indefinitely and vested in the ~~*[nonprofit organization]*~~ ***Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for the purposes of education, environmental protection or conservation.***

2. When the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy ~~*[a nonprofit organization]*~~ transfers property it has held for purposes of ***education, environmental protection or*** conservation to any person, partnership, association, corporation or entity other than the ***Federal Government, the*** State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy ~~*[a nonprofit organization]*~~ transfers property it has held for purposes other than ***education, environmental protection or*** conservation to any person, partnership, association, corporation or entity other than the ***Federal Government, the*** State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property ~~[has been]~~ ***is*** held by the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy ~~*[a nonprofit organization]*~~ for

purposes of ***education, environmental protection or*** conservation **.** ~~*[,*~~ ~~*education or environmental protection.*~~

~~*5. As used in this section, "nonprofit organization" means a nonprofit corporation, association or organization that is:*~~

~~*(a) Recognized as exempt under section 501(c)(3) of the Internal Revenue Code; and*~~

~~*(b) Organized principally for the conservation of land, cultural resources and natural resources.]*~~

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time.

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

Amendment No. 201.

SUMMARY—Revises ~~[provisions governing the approval of an application for the beneficial use of]~~ **the policy of this State concerning** water. (BDR 48-887)

AN ACT relating to water; ~~[imposing an additional condition on the approval by the State Engineer of an application for the beneficial use of water;]~~ **declaring the policy of this State to encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[With certain exceptions, existing law requires the State Engineer to approve an application which contemplates the application of water to a beneficial use if: (1) the application is accompanied by the prescribed fees; (2) the proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and (3) the applicant provides proof satisfactory to the State Engineer of his intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence and proof satisfactory of his financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence. (NRS 533.370) This bill imposes as an additional condition on the approval of such an application that the proposed use or change must not adversely affect any surrounding surface or underground source of water.]~~ **This bill declares the policy of this State to encourage the State Engineer to consider the best available science in rendering decisions concerning**

the available surface and underground sources of water in Nevada. (NRS 533.024)

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

Section 1. ~~NRS 533.370 is hereby amended to read as follows:~~

~~533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:~~

~~(a) The application is accompanied by the prescribed fees;~~

~~(b) *The proposed use or change does not adversely affect any surrounding surface or underground source of water;*~~

~~*(c)* The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and~~

~~[(c)] *(d)* The applicant provides proof satisfactory to the State Engineer of:~~

~~(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and~~

~~(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.~~

~~2. Except as otherwise provided in this subsection and subsections 3 and 11 and NRS 533.365, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:~~

~~(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.~~

~~(b) Postpone action if the purpose for which the application was made is municipal use.~~

~~(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.~~

~~3. Except as otherwise provided in subsection 11, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:~~

~~(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.~~

~~(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.~~

~~4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.~~

~~5. Except as otherwise provided in subsection 11, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.~~

~~6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:~~

~~(a) Whether the applicant has justified the need to import the water from another basin;~~

~~(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;~~

~~(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;~~

~~(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and~~

~~(e) Any other factor the State Engineer determines to be relevant.~~

~~7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 12, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.~~

~~8. If:~~

~~(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;~~

~~(b) The application involves an amount of water exceeding 250 acre-feet per annum;~~

~~(c) The application involves an interbasin transfer of groundwater; and~~

~~(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,~~

~~↵ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.~~

~~9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.~~

~~10. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if he were the former owner whose interest he succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer on a form provided by the State Engineer.~~

~~11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.~~

~~12. The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.~~

~~13. As used in this section:~~

~~(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.~~

~~(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.~~

~~(c) "Interbasin transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.~~**] (Deleted by amendment.)**

Sec. 2. **NRS 533.024 is hereby amended to read as follows:**

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectible interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 433.

Bill read second time.

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

Amendment No. 342.

SUMMARY—Requires county hospitals to provide **outpatient** cancer treatment as part of their care to indigent persons. (BDR 40-976)

AN ACT relating to county hospitals; requiring a county hospital to provide **outpatient** cancer treatment as part of its care to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Counties are required through county hospitals to provide care to indigent persons. (NRS 428.010, 450.420) This bill requires that the care include the **outpatient** treatment of cancer if the indigent person is a resident of ~~[Nevada]~~ **the county in which the hospital is located** and was a resident **of that county** at the time the person was diagnosed with cancer, but clarifies that this does not prohibit the hospital from providing uncompensated care for the **outpatient** treatment of cancer to other persons.

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

Section 1. NRS 450.420 is hereby amended to read as follows:

450.420 1. The board of county commissioners of the county in which a ~~[public]~~ ***county*** hospital is located may determine whether patients presented to the ~~[public]~~ ***county*** hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.330, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.

2. ***A county hospital must provide outpatient cancer treatment to indigent persons who are residents of ~~[this State]~~ that county and were residents of ~~[this State]~~ that county at the time that they were diagnosed with cancer. This subsection does not prohibit a county hospital from providing uncompensated care for the outpatient treatment of cancer to other persons.***

3. The board of hospital trustees shall fix the charges for treatment of those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited by him to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.

~~[3.]~~ ***4.*** Except as provided in subsection ~~[4]~~ ***5*** of this section and subsection 3 of NRS 439B.320, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for his support. Any amount collected must be reimbursed or credited to the county.

~~[4.]~~ ***5.*** The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.

Sec. 2. NRS 450.425 is hereby amended to read as follows:

450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each $100 of assessed valuation upon all taxable property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection ~~[3]~~ ***4*** of NRS 450.420.

The approval required by this subsection may be requested at any primary or general election.

2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285. The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 354.59811, 428.050 and 428.285 and must be excluded in determining the maximum rate of tax authorized by those sections.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2009.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 197.

AN ACT relating to the revision of statutes; clarifying the effect of changes to the organization and numbering of Nevada Revised Statutes; directing the Legislative Counsel to reorganize the traffic laws ~~[;]~~ **and to revise the Nevada Revised Statutes and the Nevada Administrative Code to make the provisions gender neutral;** repealing certain obsolete definitions in the traffic laws; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Legislative Counsel to take certain actions to keep Nevada Revised Statutes current, including renumbering sections, rearranging sections and creating new titles, chapters and sections, as well as making various other revisions. (NRS 220.120) **Section 1** of this bill clarifies that if the Legislative Counsel renumbers any section of Nevada Revised Statutes, any citation to the previous number in any document, publication, signage or other place shall be deemed to have the same meaning and legal effect as if the citation were to the new number, unless another intent is otherwise specified.

To facilitate the reorganization of the traffic laws required by section 4 of this bill, section 3 of this bill repeals some obsolete definitions which are no longer used in any section of the Nevada Revised Statutes.

Section ~~[2]~~ 4 of this bill directs the Legislative Counsel to reorganize chapter 484 of NRS into several chapters by topic to make the provisions of that chapter easier to use and understand ~~[.]~~ **and to similarly revise the Nevada Administrative Code.** To avoid excessive costs resulting from the reorganization, **section ~~[2]~~ 4** further directs that any documents, publications, signage or other places that contain references to the old numbers not be

replaced solely to change to the new numbers, but instead be changed when replacement becomes necessary for another purpose.

~~[Section 3 of this bill repeals some obsolete definitions in the traffic laws which are no longer used in any section.]~~

Section 5 of this bill directs the Legislative Counsel to revise the Nevada Revised Statutes and the Nevada Administrative Code so that they are gender neutral. Section 2 of this bill removes a provision that specifies that the masculine gender includes the feminine and neuter genders because that will no longer be necessary with the revision that will make the Nevada Revised Statutes gender neutral.

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

Section 1. NRS 220.120 is hereby amended to read as follows:

220.120 1. In preparing the annotations and keeping Nevada Revised Statutes current, the Legislative Counsel is authorized:

(a) To adopt such system of numbering as he deems practical.

(b) To cause the revision to be published in a number of volumes deemed convenient.

(c) To cause the volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality.

2. The pages of Nevada Revised Statutes must conform in size and printing style to the pages of the Statutes of Nevada, and roman style type must be used.

3. The Legislative Counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement to be such as will enable subjects of a kindred nature to be placed under one general head, with necessary cross references.

4. Notes of decisions of the Supreme Court, historical references and other material must be printed and arranged in such manner as the Legislative Counsel finds will promote the usefulness thereof.

5. The Legislative Counsel in keeping Nevada Revised Statutes current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word “chapter” for “article” and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity, correct inaccurate references to the titles of officers, the names of departments or other agencies of the State, local governments, or the Federal Government, and such other name changes as are necessary to be consistent with the laws of this state and correct manifest clerical or typographical errors.

6. The Legislative Counsel may create new titles, chapters and sections of Nevada Revised Statutes, or otherwise revise the title, chapter and sectional organization of Nevada Revised Statutes, all as may be required

from time to time, to effectuate the orderly and logical arrangement of the statutes. Any new titles, chapters, sections and organizational revisions have the same force and effect as the 58 titles originally enacted and designated as the Nevada Revised Statutes pursuant to chapter 2, Statutes of Nevada 1957.

7. ***If the Legislative Counsel renumbers any section of Nevada Revised Statutes because the section has been moved, divided or combined with another section during the reorganization of the statutes or for any other reason, the citation to the previously assigned number in any legal document, publication, signage or in any other place shall be deemed to have the same meaning and legal effect as if the citation were to the new number, regardless of how long it has been since the new number was assigned and regardless of any revisions made to the section after the assignment of the new number, unless another intent is otherwise specified.***

8. The Legislative Counsel shall assign NRS numbers to such new permanent and general laws enacted at any legislative session.

~~[8.]~~ ***9.*** The Legislative Counsel shall resolve all nonsubstantive conflicts between multiple laws enacted at any legislative session as if made by a single enactment. If multiple amendments to a single section of NRS are made during a legislative session, such amendments are all effective and must be compiled in a manner that is consistent with the intent of the Legislature as determined by the Legislative Counsel.

~~[9.]~~ ***10.*** The Legislative Counsel shall substitute the name of any agency, officer or instrumentality of the State or of a political subdivision whose name is changed by law or to which powers, duties and responsibilities have been transferred by law, for the name which the agency, officer or instrumentality previously used or which was previously vested with the same powers and charged with the same duties and responsibilities.

Sec. 2. **NRS 0.030 is hereby amended to read as follows:**

0.030 ***1.*** Except as otherwise expressly provided in a particular statute or required by the context:

~~[1. The masculine gender includes the feminine and neuter genders.~~

~~2.]~~ ***(a)*** The singular number includes the plural number, and the plural includes the singular.

~~[3.]~~ ***(b)*** The present tense includes the future tense.

~~[4.]~~

2. The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

Sec. 3. NRS 484.031 and 484.045 are hereby repealed.

Sec. 4. 1. When the next reprint of Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall cause the provisions of chapter 484 of NRS to be reorganized into several chapters organized by topic so that they are easier to use and understand.

2. To avoid any excessive cost, references to the previously assigned numbers of sections of chapter 484 of NRS in any legal document, publication, signage or in any other place must not be replaced to revise those references unless and until they would otherwise be replaced for some other reason.

3. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall appropriately change any citation to any section of chapter 484 of NRS to refer to the new citation for the section and shall reorganize chapter 484 of the Nevada Administrative Code into chapters which correspond to the Nevada Revised Statutes.

Sec. 5. **1. In preparing supplements to the Nevada Revised Statutes and the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that the Nevada Revised Statutes and the Nevada Administrative Code are gender neutral. Such changes may include, without limitation, adding references to the feminine or masculine gender and revising other language as necessary to make the Nevada Revised Statutes and Nevada Administrative Code gender neutral.**

2. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

~~[Sec. 4.]~~ ***Sec. 6.*** ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

~~[Sec. 5.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

484.031 "Central business district" defined. "Central business district" means all highways within the area described as such by an ordinance of an incorporated city.

484.045 "Curb loading zone" defined. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

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

Amendment No. 203.

AN ACT relating to water; ~~[increasing certain]~~ **revising the** fees collected by the State Engineer; providing for an automatic biennial increase of such fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill **adds several additional fees and** increases various **existing** fees collected by the State Engineer and provides for an automatic cumulative increase of ~~[such]~~ **certain** fees **collected by the State Engineer** by 5 percent every 2 years beginning on July 1, 2011. (NRS 533.435)

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

Section 1. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water..... ~~[$250.00]~~ ***$300.00***

This fee includes the cost of publication, which is ..... $50.

For reviewing a corrected application or map, or both, in connection with an application for a permit to appropriate water ***100.00***

For examining and acting upon plans and specifications for construction of a dam ..... ~~[500.00]~~ ***1,000.00***

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right ..... ~~[$150.00]~~ ~~*[$175.00]*~~ ***200.00***

This fee includes the cost of the publication of the application, which is $50.

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water or watering livestock or wildlife purposes ..... ~~[150.00]~~ ~~*[250.00]*~~ ***300.00***

plus ~~[$2]~~ ~~*[$5]*~~ ***$3*** per acre-foot approved or fraction thereof.

For issuing and recording each permit to change an existing right whether temporary or permanent for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, for watering livestock or wildlife purposes which change the point of diversion or place of use only ~~[, or for irrigational purposes which change the point of diversion or place of use only]~~ ..... ~~[100.00]~~ ***250.00***

plus ~~[$2]~~ ~~*[$5]*~~ ***$3*** per acre-foot approved or fraction thereof.

~~[For issuing and recording each permit to change the point of diversion or place of use only of~~

~~an existing right whether temporary or permanent for irrigational purposes~~**]** **[**~~200.00~~**]** ~~*[250.00 plus $5 per acre-foot approved or fraction thereof.]*~~

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right only whether temporary or permanent for watering livestock or wildlife purposes..... ~~*[300.00]*~~ ***200.00***

plus $50 for each second-foot of water approved or fraction thereof **.** **[** ~~$50.00~~**]**

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water..... ***400.00***

plus $50 for each second-foot of water approved or fraction thereof **.** **[** ~~100.00~~

~~This fee must not exceed $1,000.~~**]**

For issuing a waiver in connection with an application to drill a well ***100.00***

For filing a secondary application under a reservoir permit..... **[**~~200.00~~**]** ***250.00***

For approving and recording a secondary permit under a reservoir permit..... **[**~~200.00~~**]** ***450.00***

For reviewing each tentative subdivision map..... 150.00 plus $1 per lot.

For reviewing and approving each final subdivision map ***100.00***

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet..... **[**~~100.00~~**]** ***400.00*** plus $1 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work..... **[**~~10.00~~**]** ***50.00***

For filing proof of beneficial use 50.00

For filing proof of resumption of a water right ***300.00***

For filing any protest ..... 25.00 ~~*[40.00]*~~

For filing any application for extension of time within which to file proofs..... 100.00

For reviewing a cancellation of a water right pursuant to a petition for review ***300.00***

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384..... **[**~~25.00~~**]** ***100.00*** plus **[**~~$10~~**]** ***$20*** per conveyance document **.**

For filing any other instrument ..... **[**~~1.00~~**]** ***10.00***

For making copy of any document recorded or filed in his office, for the first page..... 1.00

For each additional page..... $.20

For certifying to copies of documents, records or maps, for each certificate.....~~[1.00]~~ ***5.00***
For each blueprint copy of any drawing or map, per square foot .. ~~[.50]~~ ***5.00***
The minimum charge for a blueprint copy, per print..... 3.00
For colored mylar plots*.....*10.00

2. ***On July 1, 2011, and on July 1 of each odd-numbered year thereafter, the State Engineer shall increase cumulatively the amount of each fee described in subsection 1 by 5 percent, rounded to the nearest dollar, as determined by the State Engineer.***

3. When fees are not specified in subsection 1 for work required of his office, the State Engineer shall collect the actual cost of the work.

~~[3.]~~ ***4.*** Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the General Fund. All fees received for blueprint copies of any drawing or map must be kept by him and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by him for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, he shall deposit the fees in the State Treasury for credit to the General Fund. The State Engineer may maintain, with the approval of the State Board of Examiners, a checking account in any bank or credit union qualified to handle state money to carry out the provisions of this subsection. The account must be secured by a depository bond satisfactory to the State Board of Examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

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

Amendment No. 275.

JOINT SPONSOR: COMMITTEE ON FINANCE

SUMMARY—~~[Prohibits companies that are involved in specified activities in the country of Sudan from entering into a contract with certain state agencies for the provision of goods or services.]~~ **Requires the Public Employees' Retirement Board to identify and report concerning investments of money from the Public Employees' Retirement System in certain scrutinized companies with certain business activities or connections to Iran's petroleum sector.** (BDR ~~[27-1232)]~~ **23-1232)**

AN ACT relating to ~~[state purchasing contracts; prohibiting companies that are involved in specified activities in the country of Sudan from entering into a contract with certain state agencies for the provision of goods or services;]~~ **public retirement systems; requiring the Public Employees' Retirement Board to identify and report concerning investments of money from the Public Employees' Retirement System in certain scrutinized companies with certain business activities or connections to Iran's petroleum sector;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes contracts between state agencies within the Executive Branch of Government and private contractors and sets forth requirements for the procurement of goods and services by those state agencies. (Chapter 333 of NRS) Section 13 of this bill prohibits certain "scrutinized companies" that are involved in specified activities in the country of Sudan from entering into a contract with a state agency for goods or services. Section 13 also provides for an exception to the prohibition on such contracts if the Governor determines it is in the best interest of the State. In addition, section 13 requires a prospective bidder for a contract with a state agency that currently or within the previous 3 years has had business activities or other operations outside of the United States to certify that the company is not a scrutinized company.~~

~~Section 14 of this bill requires certain reports to be submitted to the U.S. Attorney General and the Attorney General for the State of Nevada and authorizes the Attorney General for the State of Nevada to bring a civil action against a company that submits a false certification. Section 15 of this bill provides for a civil penalty to be imposed on a company that provides a false certification in an amount not to exceed $250,000, or an amount that is twice the amount of the contract price. In addition, section 15 provides that a company which provides a false certification is prohibited from entering into another contract with a state agency for not less than 3 years.]~~

Section 1 of this bill outlines the difficulties that the United Nations has experienced trying to control Iran's development of nuclear weapons and weapons of mass destruction. The United Nations has passed several resolutions condemning the actions of Iran and imposing sanctions on Iran. In addition, Congress adopted the Iran Sanctions Act of 1996 which imposes an embargo and various sanctions on Iran. Because of the volatility of Iran and the sanctions imposed on that country, section 1 expresses the concern of the Nevada Legislature about investment decisions by retirement systems in this State, including the Public Employees' Retirement System, to invest in publicly traded companies that conduct business activities with or have ties to Iran's petroleum-energy industry and encourages such retirement systems to use reason and prudence in making such investment decisions.

Section 13 of this bill requires the Public Employees' Retirement Board to identify certain scrutinized companies in which the Public Employees' Retirement System has direct holdings. Section 14 of this bill further requires the Board to prepare an annual report of investments of money from the System in those scrutinized companies. The report must be submitted to the Governor and the Legislature on or before February 1 of each year.

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

Delete existing sections 1 through 16 of this bill and replace with the following new sections 1 through 15:

Section 1. **The Nevada Legislature hereby finds and declares that:**

1. In 2008, the United Nations Security Council passed Resolution 1803 reaffirming prior resolutions of the Security Council, including Resolutions 1696 (2006), 1737 (2006) and 1747 (2007), and imposing sanctions on Iran for failing to suspend its uranium-enrichment activities which may lead to the development of nuclear weapons.

2. Security Council Resolution 1803 notes that the Director General of the International Atomic Energy Agency (IAEA) confirmed that Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects, has not resumed its cooperation with the IAEA, has not taken the other steps called for by the IAEA Board of Governors or complied with the prior resolutions.

3. The United Nations Security Council voted unanimously in Resolution 1803 to continue to freeze the financial assets and restrict the travel of persons or entities supporting Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery and expanded the list of persons and entities subject to the freezing of assets and travel restrictions.

4. The United Nations Security Council, through its resolutions, has required that nations prevent the transfer to Iran of a broad range of proliferation sensitive items and related technical and financial assistance and resources and services related to these items that could contribute to Iran's proscribed nuclear activities or the development of nuclear weapon delivery systems.

5. The United Nations Security Council has also called for nations to exercise vigilance in entering into new commitments for financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade in order to avoid having such financial support contribute to proliferation sensitive nuclear activities or to the development of nuclear weapon delivery systems.

6. Resolution 1803 also calls for nations to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, as well as their branches and subsidiaries abroad because of their connections to proliferation sensitive nuclear activities and the development of nuclear weapon delivery systems.

7. In 1996, the United States Congress adopted the Iran and Libya Sanctions Act of 1996, Public Law 104-172, renewed the Act in 2001 and in 2006 renamed it the Iran Sanctions Act of 1996, Public Law 109-293.

8. Congress found that "[t]he efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of acts of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives."

9. The Iran Sanctions Act of 1996 requires the President of the United States to impose certain sanctions on any person or entity who, with actual knowledge, invests $20 million or more, either in a single investment or a combination of investments of at least $5 million each, which in the aggregate equal or exceed $20 million in any 12-month period, that directly and significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of that country.

10. Iran's financial ability to pay its debts is put at risk by the embargo and sanctions of the Iran Sanctions Act of 1996.

11. Actions by fiduciaries of public money, including selling, redeeming, divesting or withdrawing from investments (divestiture), should be considered with the purpose of improving investment performance, and such fiduciaries must apply reason and prudence in making such decisions with consideration given to all relevant, substantive information concerning the investment.

12. Because of the instability of markets that are vulnerable to embargo, loan restrictions and sanctions by the United States and the international community, including the United Nations Security Council, fiduciaries should use caution and exercise restraint in investing in such markets and, applying reason and prudence, should consider divestiture from such markets.

13. The Nevada Legislature is deeply concerned about investments in publicly traded companies that conduct business activities with or have ties to Iran's petroleum-energy industry because of the serious financial risk to the shareholders.

14. Retirement systems, including the Public Employees' Retirement System, which invest money on behalf of public employees in publicly traded companies that conduct business activities with or have ties to Iran's petroleum-energy industry must use reason and prudence in making such investments.

15. To protect Nevada's assets, it is in the best interest of the State for public retirement systems in this State, including the Public Employees' Retirement System, to use reason and prudence in deciding whether to invest or divest from publicly traded securities of entities that conduct business activities with and have ties to Iran's petroleum-energy industry.

16. It is the intent of the Legislature that public retirement systems in Nevada, including the Public Employees' Retirement System, continue to limit investments in entities that conduct business with or have ties to Iran's petroleum-energy industry in the manner set forth in this declaration only insofar as it continues to be consistent with the foreign policy of the United States.

Sec. 2. **Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.**

Sec. 3. ***As used in sections 3 to 15, inclusive, of this act, the words and terms defined in sections 4 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Active business operations" means all business operations that are not inactive business operations.***

Sec. 5. ***"Business operations" means investing, with actual knowledge on or after August 5, 1996, in Iran's petroleum sector, which investment directly and significantly contributes to the enhancement of Iran's ability to develop the petroleum resources of Iran. The term does not include the retail sale of gasoline and related consumer products.***

Sec. 6. ***"Company" means any foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or any other foreign entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries or parent companies or affiliates of these entities or business associations, that exist for the purpose of making a profit.***

Sec. 7. ***"Direct holdings" means all publicly traded equity securities of a company that are held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.***

Sec. 8. ***"Inactive business operations" means the continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for that purpose.***

Sec. 9. ***"Iran" means the Islamic Republic of Iran.***

Sec. 10. ***"Petroleum resources" means petroleum or natural gas.***

Sec. 11. ***"Scrutinized business operations" means any active business operations that:***

1. Are subject to or liable for sanctions under the Iran Sanctions Act of 1996, Public Law 104-172, as amended; and

2. Involve the maintenance of:

(a) The company's existing assets or investments in Iran; or

(b) The deployment of new investments to Iran that meet or exceed the threshold referred to in the Iran Sanctions Act of 1996, as amended.

Sec. 12. "Scrutinized company" means any company engaging in scrutinized business operations.

Sec. 13. 1. Except as otherwise provided in section 15 of this act, the Board shall identify those scrutinized companies in which the System has direct holdings. In making the determination, the Board shall review and rely on publicly available information regarding companies with business operations in Iran, including information provided by nonprofit organizations, research firms, international organizations and governmental entities.

2. The Board shall create a list of all identified scrutinized companies pursuant to subsection 1.

3. The Board shall update the list on an annual basis with information provided and received from those entities listed in subsection 1.

Sec. 14. 1. Except as otherwise provided in section 15 of this act, the Board shall prepare an annual report of investments of money from the System in scrutinized companies as identified pursuant to section 13 of this act. The report must include the amount of money allocated in such investments and other data and statistics designed to explain the past and current extent to which funds from the System are invested in scrutinized companies.

2. The Board shall submit a copy of the report to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature on or before February 1 of each year which must cover all investments during the previous calendar year.

Sec. 15. The provisions of sections 13 and 14 of this act do not apply to:

1. Money invested in a defined contribution plan that is authorized by the Internal Revenue Code and administered by the Board; or

2. Investments in a company that is primarily engaged in:

(a) Supplying goods or services intended to relieve human suffering in Iran; or

(b) Promoting health, education, religious, welfare or journalistic activities in Iran.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 512.

Bill read second time.

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

Amendment No. 103.

AN ACT relating to real property; providing that a tenant may give a landlord a surety bond, or a combination of a surety bond and other security, instead of a security deposit under certain circumstances; providing that upon termination of a landlord's interest in the property, the successor in interest must accept the tenant's security or surety bond; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord and a tenant to perform certain obligations with respect to a lease of real property. As part of a lease, a landlord may demand a tenant provide security for the tenant's obligations, such as: (1) payment of rent; (2) repairing damage to the premises; and (3) cleaning the dwelling. (NRS 118A.240-118A.250)

Section 2 of this bill provides that, instead of requiring a security deposit, a landlord may allow a tenant to provide the landlord with a surety bond, or a combination of a surety bond and other security, to cover the amount of security demanded by the landlord. This section also: (1) provides that a landlord is not required to accept a surety bond; **and** (2) provides that a landlord may not require a tenant to provide a surety bond in place of security **.** ~~[; and (3) imposes a duty on the tenant to ensure the surety bond remains in effect.]~~ **Section 2 also provides that a tenant may dispute items contained in a landlord's claim against a surety and prohibits a surety, under certain circumstances, from reporting a landlord's claim to a credit reporting agency unless the surety obtains a judgment against the tenant.** (NRS 118A.242)

Section 3 of this bill requires, at the termination of the landlord's interest in the dwelling unit under certain circumstances, that the successor in interest accept the tenant's security or surety bond, or a combination thereof, and prohibits the successor in interest from demanding additional security or surety during the term of the rental agreement. (NRS 118A.244)

Section 1 of this bill amends the existing definition of security to provide that a payment made to a licensed surety to secure a surety bond is not security for the purposes of determining security given to a landlord. (NRS 188A.240)

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

Section 1. NRS 118A.240 is hereby amended to read as follows:

118A.240 1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is "security" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remedying any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security" does not include ~~[any]~~ ***:***

(a) Any payment, deposit or fee to secure an option to purchase the premises ~~[.]~~ ***; or***

(b) Any payment to a corporation qualified under the laws of this State as a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Sec. 2. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive security ~~[,]~~ ***or a surety bond, or a combination thereof,*** including the last month's rent, whose total amount or value exceeds 3 months' periodic rent.

2. ***In lieu of paying all or part of the security required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to secure the tenant's obligation to the landlord under the rental agreement to:***

(a) Remedy any default of the tenant in the payment of rent.

(b) Repair damages to the premises other than normal wear and tear.

(c) Clean the dwelling unit.

3. The landlord:

(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security; and

(b) May not require a tenant to purchase a security bond in lieu of paying all or part of the security.

4. ~~*[If a landlord accepts a surety bond in lieu of all or part of the security, the tenant shall maintain the surety and ensure the surety remains in full force, unless the tenant has been relieved of the requirement to maintain the surety.*~~

~~*5.]*~~ Upon termination of the tenancy by either party for any reason, the landlord may claim of the security ***or surety bond, or a combination thereof,*** only such amounts as are reasonably necessary to remedy any default of the tenant in the payment of rent, to repair damages to the premises caused by the tenant other than normal wear and to pay the reasonable costs of cleaning the premises. The landlord shall provide the tenant with an itemized written accounting of the disposition of the security ***or surety bond, or a combination thereof,*** and return any remaining portion of the security to the tenant no later than 30 days after the termination of the tenancy by handing it to him personally at the place where the rent is paid, or by mailing it to him at his present address ~~[,]~~ or ***,*** if that address is unknown, at the tenant's last known address.

5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.

~~[3.]~~ ***6.*** If the landlord fails or refuses to return the remainder of a security deposit within 30 days after the end of a tenancy, he is liable to the tenant for damages:

(a) In an amount equal to the entire deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire deposit.

~~[4.]~~ ***7.*** In determining the sum, if any, to be awarded under paragraph (b) of subsection ~~[3,]~~ ***6,*** the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

~~[5.]~~ ***8.*** Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no rental agreement may contain any provision characterizing any security under this section as nonrefundable or any provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~[6.]~~ ***9.*** The claim of a tenant to security to which he is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 3. NRS 118A.244 is hereby amended to read as follows:

118A.244 1. Upon termination of the landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his agent shall, within a reasonable time, do one of the following, which relieves him of further liability with respect to the security ~~[.]~~ ***or surety bond, or a combination thereof:***

(a) Notify the tenant in writing of the name, address and telephone number of his successor in interest, and that he has transferred to his successor in interest the portion of the ~~[any]~~ security ***or surety bond, or combination thereof,*** remaining after making any deductions allowed under NRS 118A.242 . ~~[and any documentation relating to any surety bond of the tenant.]~~

(b) Return to the tenant the portion of the security remaining after making any deductions allowed under NRS 118A.242.

➥ The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

2. The landlord shall, before he records a deed transferring any dwelling unit:

(a) Transfer to his successor, in writing, the portion of any tenant's security deposit or other money held by him which remains after making any deductions allowed under NRS 118A.242; or

(b) Notify his successor in writing that he has returned all such deposits or portions thereof to the tenant.

3. Upon the termination of a landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the successor in interest:

(a) Shall accept the tenant's security or surety bond, or a combination thereof; and

(b) Shall not require any additional security or surety bond, or a combination thereof, from the tenant during the term of the rental agreement.

Sec. 4. NRS 118A.250 is hereby amended to read as follows:

118A.250 The landlord shall deliver to the tenant upon his request a signed written receipt for ***the*** security ***or surety bond, or a combination thereof,*** and any other payments, deposits or fees, including rent, paid by the tenant and received by the landlord. The tenant may refuse to make rent payments until the landlord tenders the requested receipt.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 213.

Bill read second time.

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

Amendment No. 329.

AN ACT relating to cancer; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 7 of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. **Section 7** also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. **Section 10** of this bill requires the Board to adopt regulations to carry out the Program. **Section 11** of this bill provides immunity from civil **or criminal** liability **or any disciplinary action by a professional licensing board** for ~~[~~damages caused by certain acts or omissions of a person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates~~]~~ **: (1) any person who exercises reasonable care in donating** a cancer drug to the Program ~~[.]~~ **; and (2) any pharmacy, medical facility, health clinic or provider of health care that exercises reasonable care in accepting, distributing or dispensing a cancer drug pursuant to the Program. Section 11 also provides that a manufacturer of a cancer drug**

is immune from civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to the Program.

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, 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. ***"Cancer drug" means a prescription drug that is used to treat*** ~~*[:*~~

~~*1. Cancer or its side effects; or*~~

~~*2. The side effects of a prescription drug that is used to treat cancer or its side effects.*~~

~~*➡ The term includes medical supplies used in the administration of a cancer drug.]*~~ ***cancer.***

Sec. 4. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 5. ***"Program" means the Cancer Drug Donation Program established pursuant to section 7 of this act.***

Sec. 6. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 7. ***1. The State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.***

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

3. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy pursuant to section 10 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

Sec. 8. ***A cancer drug donated for use in the Program may only be dispensed:***

1. By a pharmacist who is registered pursuant to chapter 639 of NRS;

2. Pursuant to a prescription written by a person who is authorized to write prescriptions; and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 9. ***A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:***

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and

2. May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 10. ***The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act. The regulations must prescribe, without limitation:***

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

3. The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and

4. The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

Sec. 11. ~~*[Any person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates]*~~

1. A person who exercises reasonable care in the donation of a cancer drug in accordance with the provisions of sections 2 to 11, inclusive, of this act, and the regulations adopted pursuant thereto, is not ~~*[liable for]*~~ ***subject***

to any civil ~~[damages as a result of any act or omission, not amounting to gross negligence, by him in donating]~~ or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the donation of the cancer drug.

2. A pharmacy, medical facility, health clinic or provider of health care which participates in the Program and which exercises reasonable care in the acceptance, distribution or dispensation of a cancer drug is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the acceptance, distribution or dispensation of the cancer drug.

3. A manufacturer of a cancer drug is not subject to civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the cancer drug pursuant to sections 2 to 11, inclusive, of this act and the regulations adopted pursuant thereto.

Sec. 12. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 459.

JOINT SPONSOR: SENATOR CEGAVSKE

AN ACT relating to cancer; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a system for the reporting and analyzing of information relating to cancer and establishes task forces on prostate cancer and cervical cancer. (Chapter 457 of NRS)

Section 7 of this bill requires the State Board of Pharmacy to establish the Cancer Drug Donation Program. The Program will distribute and dispense cancer drugs donated to the Program to cancer patients. **Section 7** also authorizes persons to donate cancer drugs at any pharmacy, medical facility, health clinic or provider of health care that participates in the Program. The donated drugs must be in the original, unopened and sealed packages and must not be adulterated or misbranded. **Section 10** of this bill requires the Board to adopt regulations to carry out the Program. **Section 11** of this bill provides immunity from civil liability for damages caused by certain acts or omissions of a person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates a cancer drug to the Program.

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, 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. ***"Cancer drug" means a prescription drug that is used to treat:***

1. Cancer or its side effects; or

2. The side effects of a prescription drug that is used to treat cancer or its side effects.

➥ The term includes medical supplies used in the administration of a cancer drug.

Sec. 4. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 5. ***"Program" means the Cancer Drug Donation Program established pursuant to section 7 of this act.***

Sec. 6. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 7. ***1. The State Board of Pharmacy shall establish and maintain the Cancer Drug Donation Program to accept, distribute and dispense cancer drugs donated to the Program.***

2. Any person may donate a cancer drug to the Program. A cancer drug may be donated at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

3. A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives a cancer drug a handling fee in accordance with the regulations adopted by the State Board of Pharmacy pursuant to section 10 of this act.

4. A cancer drug may be accepted, distributed or dispensed pursuant to the Program only if the cancer drug:

(a) Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) Is not adulterated or misbranded; and

(c) Bears an expiration date that is later than 30 days after the drug is donated.

5. A cancer drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

6. The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

Sec. 8. ***A cancer drug donated for use in the Program may only be dispensed:***

1. By a pharmacist who is registered pursuant to chapter 639 of NRS;

2. Pursuant to a prescription written by a person who is authorized to write prescriptions; and

3. To a person who is eligible to receive cancer drugs dispensed pursuant to the Program.

Sec. 9. ***A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:***

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of the cancer drugs; and

2. May distribute a cancer drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 10. ***The State Board of Pharmacy shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act. The regulations must prescribe, without limitation:***

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program, including, without limitation:

(a) A requirement that each provider of health care who participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer; and

(b) A requirement that each medical facility that participates in the Program provide, as a regular course of practice, medical services and goods to persons with cancer;

2. The criteria for determining the eligibility of persons to receive cancer drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person sign up with the State Board of Pharmacy on a form prescribed by the Board to be eligible to receive cancer drugs dispensed pursuant to the Program;

3. The categories of cancer drugs that may be accepted for distribution or dispensing pursuant to the Program; and

4. The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense cancer drugs pursuant to the Program.

Sec. 11. ***Any person other than a manufacturer of a cancer drug, pharmacy, medical facility, health clinic or provider of health care who donates a cancer drug in accordance with the provisions of sections 2 to 11, inclusive, of this act, and the regulations adopted pursuant thereto, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in donating the cancer drug.***

Sec. 12. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 372.

AN ACT relating to bicycles; revising provisions governing the operation of bicycles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that every person riding a bicycle upon a roadway is generally subject to the provisions of chapter 484 of NRS which apply to drivers of vehicles. (NRS 484.503) Existing law requires the driver of a vehicle to signal an intention to turn from a direct course continuously during not less than the last 100 feet traveled in a business or residential district and not less than the last 300 feet traveled in any other area. (NRS 484.343) **Section 2** of this bill exempts the operator of a bicycle from these requirements and instead requires the operator only to signal his intention to turn at least one time, unless the bicycle is in a designated turn lane or when safe operation of the bicycle requires the operator to keep both hands on the bicycle.

Existing law provides for the methods of giving signals by hand and arm. (NRS 484.347) **Section 3** of this bill authorizes an operator of a bicycle to signal for a right turn by extending his right hand and arm horizontally and to the right side of the bicycle.

Existing law prohibits the driving of a vehicle upon any sidewalk area. (NRS 484.451) **Section 4** of this bill provides that ~~[an operator of a bicycle may operate a bicycle upon any sidewalk area unless a local ordinance prohibits or restricts such operation. Section 4 also provides]~~ **a local authority may not enact any ordinance that requires the operation of bicycles upon sidewalks or side paths, and** that any **such** ordinance enacted by a local authority ~~[which requires the operation of bicycles only upon sidewalk areas]~~ is void.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, an operator of a bicycle upon a roadway shall not turn from a direct course unless the movement may be made with reasonable safety and the operator gives an appropriate signal. The operator shall give the appropriate signal at least one time but is not required to give the signal continuously.***

2. An operator of a bicycle is not required to give a signal if:

(a) The bicycle is in a designated turn lane; or

(b) Safe operation of the bicycle requires the operator to keep both hands on the bicycle.

Sec. 3. ***An operator of a bicycle upon a roadway shall give all signals by hand and arm in the manner required by NRS 484.347, except that the operator may give a signal for a right turn by extending his right hand and arm horizontally and to the right side of the bicycle.***

Sec. 4. ***1.*** ~~*[Except as otherwise provided by a local ordinance described in subsection 2, an operator of a bicycle may operate the bicycle upon any sidewalk area.*~~

~~*2. The provisions of subsection 1 do not prohibit a]*~~ ***A local authority*** ~~*[from enacting]*~~ ***shall not enact an ordinance*** ~~*[prohibiting or restricting]*~~ ***requiring the operation of bicycles upon any sidewalk area or side path within its jurisdiction.***

~~*[3. Any ordinance enacted by a local authority which requires the operation of bicycles only upon sidewalk areas]*~~

2. Any ordinance that is enacted in violation of subsection 1 has no effect and is void.

3. As used in this section, "side path" means an area adjacent to a highway that is designated for travel by bicycles or any other means except by motor vehicle.

Sec. 5. NRS 484.501 is hereby amended to read as follows:

484.501 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484.505 to 484.513, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit ~~[any such]~~ ***the*** child or ward to violate any of the provisions of this chapter.

3. The provisions applicable to bicycles ~~[shall]~~ apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 6. NRS 484.503 is hereby amended to read as follows:

484.503 Every person riding a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484.504 to 484.513, inclusive, ***and sections 2, 3 and 4 of this act*** and except as to those provisions of this chapter which by their nature can have no application.

Sec. 7. **The provisions of section 4 of this act apply to any ordinance adopted before, on or after October 1, 2009, and any ordinance which was adopted before that date and which is contrary to the provisions of section 4 of this act is void on October 1, 2009.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 359 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 359.

Bill read third time.

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

Amendment No. 288.

AN ACT relating to education; creating the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism; requiring that the boards of trustees of school districts and the governing bodies of charter schools, to the extent money is available, ensure that certain personnel possess the skills and qualifications necessary to work with pupils with autism; requiring the Health Division of the Department of Health and Human Services to ensure that certain personnel possess the skills and qualifications necessary to provide services to children with autism and their families; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to provide grants of money to school districts and charter schools for programs of training of certain personnel.

Section 4 of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the personnel employed by the school district or charter school who work with pupils with autism receive the appropriate preparation and training necessary to serve those pupils. **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism in making decisions about the services and programs available for the pupil receive the appropriate preparation and training necessary to assist those persons. **Section 7** of this bill requires the board of trustees of each school district and the governing body of each charter school, to the extent money is available from the Grant Fund, to ensure that a paraprofessional who is employed by the school district or charter school who is assigned to work with a pupil with autism receives the appropriate preparation and training necessary to serve those pupils.

Section 8 of this bill requires the personnel of the Health Division of the Department of Health and Human Services who provide early intervention services **and the persons with whom the Health Division contracts to provide those services** to possess the knowledge and skills necessary to provide services to children with autism and their families.

Section 9 of this bill requires that any money received by this State pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, to assist school districts with the training of personnel to assist pupils with autism be deposited in the Grant Fund.

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 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, "Grant Fund" means the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism.***

Sec. 3. ***1. There is hereby created the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Grant Fund.***

2. The money in the Grant Fund must be used only for the distribution of money to school districts and charter schools for programs of training as set forth in sections 4, 5 and 7 of this act and to provide assistance to licensed educational personnel who work with pupils with autism in obtaining an appropriate endorsement to teach those pupils.

3. The board of trustees of a school district or the governing body of a charter school may apply to the Department on a form prescribed by the Department for a grant of money from the Grant Fund. The application must include a description of the program of training for which the grant of money will be used.

Sec. 4. ***1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism receive the appropriate preparation and training necessary to serve those pupils. The training may include, without limitation:***

(a) The characteristics of autism, including, without limitation, behavioral and communication characteristics;

(b) Methods for determining, on a regular and consistent basis, the specific needs of a pupil with autism to ensure the pupil is meeting the objectives and goals described in the individualized education program of the pupil or other educational plan prepared for the pupil;

(c) The procedure for evaluating pupils who demonstrate behaviors which are consistent with autism;

(d) Approaches for use in the classroom to assist a pupil with autism with communication and social development; and

(e) Methods of providing support to pupils with autism and their families.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for licensed educational personnel employed by the school district or charter school who work with pupils with autism in accordance with this section.

Sec. 5. ***To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:***

1. On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, to determine best practices in the development of programs for pupils with autism; and

2. To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in his development and advancement.

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that a paraprofessional who is employed by the school district or charter school to provide assistance to pupils with autism receives the appropriate preparation and training to acquire:***

(a) Knowledge of autism, including, without limitation:

(1) The characteristics of autism and the range of spectrum disorders within a diagnosis of autism;

(2) An understanding of the importance of building relationships between pupils with autism, other pupils and teachers or adults to encourage the independence of a pupil with autism; and

(3) The ability to determine the patterns of behavior of pupils with autism;

(b) The ability to provide structure and predictability through the consistent use of methods that support prior learning and continued development;

(c) The ability to adapt, modify or structure the environment based upon an understanding of the auditory, visual or other sensory stimuli which may be reinforcing, calming or distracting to the pupil;

(d) The ability to use positive behavioral supports, including, without limitation, the use of discrete trial, structured teaching methods, reinforcement and generalized approaches to enhance the pupil's education and prevent behavioral problems, as directed by the pupil's teacher or other appropriate personnel;

(e) The ability to accurately collect and record data on the progress of a pupil with autism and report to the pupil's teacher in a timely manner if a particular strategy or program is not producing the planned outcome for the pupil; and

(f) The ability to communicate effectively and consistently with pupils with autism using communication techniques designed for those pupils.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for a paraprofessional who provides assistance to pupils with autism in accordance with this section.

Sec. 8. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Health Division shall ensure that ~~[all]~~ the personnel employed by the Health Division who provide early intervention services to children with autism and the persons with whom the Health Division contracts to provide early intervention services to children with autism possess the knowledge and skills necessary to serve children with autism, including, without limitation:

(a) The ~~[procedure for]~~ screening of a child for autism at ~~[least once before the child attains the age of 2 years;]~~ the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors which are consistent with autism;

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism;

(d) Methods of providing support to children with autism and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 et seq., or other appropriate plan for the child.

2. The Health Division shall ensure that the personnel employed by the Health Division to provide early intervention services to children with autism ~~[.]~~ and the persons with whom the Health Division contracts to provide early intervention services to children with autism:

(a) Possess the knowledge and understanding of the scientific research and support for ~~[each method or approach that is available for the child]~~ the methods and approaches for serving children with autism and the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting ~~[each method or approach,]~~ the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with ~~[all options for treatment and intervention]~~ information on evidence-based treatments and interventions that may assist the child in his development and advancement.

3. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children perform screenings of children for autism at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

Sec. 9. Notwithstanding any other provision of law to the contrary, if any money is received by this State pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, which is designated for expenditure from the State Distributive Account in the State General Fund by the Legislature for Fiscal Years 2009-2010 and 2010-2011 to assist school districts with the training of personnel to assist pupils with autism, the money must be deposited in the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism created by section 3 of this act.

Sec. 10. 1. This section and section 9 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assemblyman Oceguera moved that the Assembly recess until 1 p.m.

Motion carried.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 1:33 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that Assembly Bill No. 243 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 372 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 232 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 243.
Bill read third time.
The following amendment was proposed by Assemblywoman Mastroluca:
Amendment No. 478.
AN ACT relating to education; requiring certain employers to grant leave to a parent, guardian or custodian of a child enrolled in public school or private school to participate in certain school conferences, activities and events; prohibiting employers from taking certain retaliatory actions against an employee who takes the authorized leave; authorizing a parent, guardian or custodian who is retaliated against to request a hearing before the Labor Commissioner; providing a penalty; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Section 1 of this bill requires employers who employ 50 or more employees to grant to a parent, guardian or custodian of a child enrolled in a public school 4 hours of leave from his place of employment, which must be taken in increments of 1 hour, per school year per child to attend school-related activities or events or to volunteer at the school in which his child is enrolled. **Section 1** also requires the leave to be taken at a mutually agreed upon time and the employer is not required to pay the employee for the leave.
Existing law makes it unlawful for any employer or his agent to terminate the employment of a person who is a parent, guardian or custodian of a child enrolled in public school because the person attended a conference requested by a school administrator or was notified of an emergency involving the child at school. (NRS 392.920) **Section 2** of this bill revises the prohibited acts by an employer or his agent to include demoting, suspending or otherwise

discriminating against a parent, guardian or custodian of a child. **Section 2** also prohibits the termination, demotion, suspension or other discrimination of a parent, guardian or custodian of a child who takes leave authorized by **section 1** of this bill and authorizes a parent, guardian or custodian of a child who is terminated, demoted, suspended or otherwise discriminated against to request a hearing before the Labor Commissioner. **If the dispute is not resolved, the parent, guardian or custodian may bring a civil action against his employer, as authorized in existing law.**

Section 4 of this bill imposes the same requirements on employers for the parents, guardians and custodians of children enrolled in a private school. **Section 5** of this bill prohibits an employer or his agent from terminating, demoting, suspending or otherwise discriminating against a parent, guardian or custodian of a child enrolled in a private school for attending a conference requested by a school administrator, being notified of an emergency involving the child at school or taking leave authorized by **section 4**. **Section 5** also authorizes a hearing before the Labor Commissioner. **If the dispute is not resolved, the parent, guardian or custodian may bring a civil action against his employer.**

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer shall grant a parent, guardian or custodian of a child who is enrolled in a public school leave from his place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:

(a) Attend parent-teacher conferences;

(b) Attend school-related activities during regular school hours;

(c) Volunteer or otherwise be involved at the school in which his child is enrolled during regular school hours; and

(d) Attend school-sponsored events.

➥ The leave must be at a time mutually agreed upon by the employer and the employee.

2. An employer may require:

(a) An employee to provide a written request for the leave at least 5 school days before the leave is taken; and

(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the school or school-related activity for one of the purposes set forth in subsection 1.

3. An employer is not required to pay an employee for any leave taken pursuant to this section.

4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in public school.

5. As used in this section, "employer" means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.

Sec. 2. NRS 392.920 is hereby amended to read as follows:

392.920 1. It is unlawful for an employer or his agent to:

(a) Terminate the employment of ***, or to demote, suspend or otherwise discriminate against,*** a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the school attended by the child; ~~[or]~~

(2) Is notified during his work by a school employee of an emergency regarding the child; or

(3) Takes leave pursuant to section 1 of this act if the employer is subject to the requirements of that section; or

(b) Assert to the person that his appearance or prospective appearance at such a conference ***,*** ~~[or]~~ the receipt of such a notification during his work ***or leave taken pursuant to section 1 of this act*** will result in the termination of his employment ~~[.]~~ ***or a demotion, suspension or other discrimination in the terms and conditions of his employment.***

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person ***who is*** discharged from employment ***or who is demoted, suspended or otherwise discriminated against*** in violation of subsection 1 may ***request a hearing before the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a hearing. The hearing must be conducted in the manner prescribed in NRS 607.205 to 607.215, inclusive.***

4. If the Labor Commissioner is unsuccessful in resolving the dispute, the person who requested the hearing pursuant to subsection 3 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits; and

(d) Reasonable attorney's fees fixed by the court. ~~*[request a hearing before the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a hearing. The hearing must be conducted in the manner prescribed in NRS 607.205 to 607.215, inclusive.]*~~

Sec. 3. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. An employer shall grant a parent, guardian or custodian of a child who is enrolled in a private school leave from his place of employment for 4 hours per school year, which must be taken in increments of at least 1 hour, to:***

(a) Attend parent-teacher conferences;

(b) Attend school-related activities during regular school hours;

(c) Volunteer or otherwise be involved at the school in which his child is enrolled during regular school hours; and

(d) Attend school-sponsored events.

➥ The leave must be at a time mutually agreed upon by the employer and the employee.

2. An employer may require:

(a) An employee to provide a written request for the leave at least 5 school days before leave is taken; and

(b) An employee who takes leave pursuant to this section to provide documentation that during the time of the leave, the employee attended or was otherwise involved at the private school or school-related activity for one of the purposes set forth in subsection 1.

3. An employer is not required to pay an employee for any leave taken pursuant to this section.

4. A parent, guardian or custodian must be granted leave in accordance with this section for each child of the parent, guardian or custodian who is enrolled in private school.

5. As used in this section, "employer" means any person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year.

Sec. 5. ***1. It is unlawful for an employer or his agent to:***

(a) Terminate the employment of, or to demote, suspend or otherwise discriminate against, a person who, as the parent, guardian or custodian of a child:

(1) Appears at a conference requested by an administrator of the private school attended by the child;

(2) Is notified during his work by a school employee of an emergency regarding the child; or

(3) Takes leave pursuant to section 4 of this act if the employer is subject to the requirements of that section; or

(b) Assert to the person that his appearance or prospective appearance at such a conference, the receipt of such a notification during his work or leave taken pursuant to section 4 of this act will result in the termination of his employment or a demotion, suspension or other discrimination in the terms and conditions of his employment.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A person who is discharged from employment or who is demoted, suspended or otherwise discriminated against in violation of subsection 1 may request a hearing before the Labor Commissioner. The employer shall provide the person who is discharged from employment or who is demoted, suspended or otherwise discriminated against with all the forms necessary to request such a hearing. The hearing must be conducted in the manner prescribed in NRS 607.205 to 607.215, inclusive.

4. If the Labor Commissioner is unsuccessful in resolving the dispute, the person who requested the hearing pursuant to subsection 3 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits; and

(d) Reasonable attorney's fees fixed by the court.

Sec. 6. NRS 394.201 is hereby amended to read as follows:

394.201 NRS 394.201 to 394.351, inclusive, ***and sections 4 and 5 of this act*** may be cited as the Private Elementary and Secondary Education Authorization Act.

Sec. 7. This act becomes effective on August 15, 2009.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 41 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 61 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Roll call on Assembly Bill No. 129:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 129 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 151:

YEAS—40.

NAYS—None.

NOT VOTING—Arberry.

EXCUSED—Christensen.

Assembly Bill No. 151 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Roll call on Assembly Bill No. 152:

YEAS—40.

NAYS—None.

NOT VOTING—Arberry.

EXCUSED—Christensen.

Assembly Bill No. 152 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 168 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblyman Kihuen.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 257:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Assembly Bill No. 257 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 274.
Bill read third time.
Remarks by Assemblyman Aizley.
Roll call on Assembly Bill No. 274:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Assembly Bill No. 274 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 378.
Bill read third time.
Remarks by Assemblyman Oceguera.
Roll call on Assembly Bill No. 378:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Assembly Bill No. 378 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 381.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 381:
YEAS—29.
NAYS—Carpenter, Cobb, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—12.
EXCUSED—Christensen.
Assembly Bill No. 381 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 389.
Bill read third time.
Remarks by Assemblymen Parnell and Horne.
Roll call on Assembly Bill No. 389:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.

Assembly Bill No. 389 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblymen Claborn, Settelmeyer, Spiegel and Smith.

Roll call on Assembly Bill No. 410:

YEAS—30.

NAYS—Carpenter, Cobb, Gansert, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—11.

EXCUSED—Christensen.

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

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 425:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 425 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblymen Leslie and Atkinson.

Roll call on Assembly Bill No. 443:

YEAS—35.

NAYS—Cobb, Goedhart, Gustavson, Hambrick, McArthur, Stewart—6.

EXCUSED—Christensen.

Assembly Bill No. 443 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblywomen Mastroluca and Parnell.

Roll call on Assembly Bill No. 487:

YEAS—39.

NAYS—Cobb, McArthur—2.

EXCUSED—Christensen.

Assembly Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Roll call on Assembly Bill No. 509:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblymen Conklin, Gansert, and Oceguera.

Roll call on Assembly Bill No. 511:

YEAS—29.

NAYS—Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—12.

EXCUSED—Christensen.

Assembly Bill No. 511 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Mortenson and Settelmeyer.

Roll call on Assembly Joint Resolution No. 5:

YEAS—28.

NAYS—Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—13.

EXCUSED—Christensen.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblymen Segerblom, Cobb, Oceguera, and Horne.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Joint Resolution No. 6:

YEAS—29.

NAYS—Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart—12.

EXCUSED—Christensen.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 232; Assembly Joint Resolutions Nos. 7, 10, 14; Senate Bills Nos. 38, 109; Senate Joint Resolution No. 9 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 469; Senate Concurrent Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Maurins and Sydney Coolbaugh.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pennell.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to John Andrews, Dean Allen Shreve, and Nicole Marie Harvey.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Walters.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Oki.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Drinkwater.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Carr, Mike Hess, and Bruce Specter.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Liberty Baptist School: Alena Bigger, Irene Castaneda, Samantha Cuellar, Chase Custer, Bianca Fimbres, Caitlin Foster, Logan King, Anthony Reese, Alyssa Williams; chaperones Lorrie Bigger, Kathy Castaneda, Jessica Cuellar, Sarah Kercher, Jeanna Lemasson, and Yann Lemasson; Ian Campbell.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Milam and Diana Gale.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Doyle, William Partier, Joan Partier, and Dan Ihnen.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the American Association of University Women: Aurora Partridge, Jerry Alexander, Pat Alexander, Joey Ames, Charlotte Bass, Bernice Behrens, Sue Callahan, Vicky Caviglia, Jean Chapman, Verlita Conner, Barb Contos, Barbara Crossland, Jane Cunnien, Nancy Cunningham, Mona Dible, Jacki Falkenroth, Chuck Falkenroth, Teresa Feleciano, Sue Hawkins, Gina Jacobsen, Claire Keenan, Rita Malkin, Marlys Mandelos, Deborah Marche', Shirley McKinnon, Sunny Minedew, Kathy Nicholson, Jim Nicholson, Jean Pagni, Irene Pauls, Jean Pritsos, Karen Pritsos, Margee Richardson, Mahree Roberts, Gabi Schwarz, Marge Stein, Ellen Williams, Shirley Yates, Pat Furman, Betty Manfredi, Richard Manfredi; Charlotte Dinning and Ginger Traut.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Baker and Jason Bleak.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Barbar Mathews.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Orr.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Lloyd.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Byllie Andrews.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Bradley and Andres Vera.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Robbie Nickel.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Jones.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Cummings and Diane Drinkwater.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Green Valley Christian School: Jared Anderson, Taylor Austin, Tyrell Buhain, Anabella Cooper, Bailee Courtney, Kaycee Daniels, Dylan DeStout, Autumn Dewey, Dixon Etchings, Brookelyn Frazier, Samantha Golonka, Harrison Griffin, Gracie Haley, James-Ben Heskett, Courtney Klagues, Riley Koch, Emma Kohler, Devin Langston, Jamaica Lewis, Julia Maese, Conall McIntyre, Samantha Pochop, Isaiah Robinson, Christian Sanford, Sean Seubert, Caitlin Sunada, Mathew Vitolo, Jessica Zarley; chaperones Bonnie Seubert, Kristi McKay, April Haley, Terry Frazier, Kyle Nagy, Kim Pochop, Donna Daniels, Liz McIntyre, Penka Cooper, Joe Maese, Heather Ditto, Sandra Sanford; teachers Sonja Finley-Tratos, and Amy Buckels; Colleen Bell.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne DeLeon.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy Bouldin.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Benavedez.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Caren Jenkins, Pam Graber, and Rebecca Palmer.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary McCoy.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Simon.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Oliver.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Hughes.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Vaughan.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fay.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, April 15, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 2:32 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly