

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 15, 2013

Assembly called to order at 11:40 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Dan Aument.

Please pray with me.

Holy and gracious God, we turn our hearts toward You. You are the source of all that is good in this world. Teach us to be servant leaders who work for the flourishing of others. By creating and redeeming us, You display for us the perfect example of self-giving love. Grant us wisdom and creativity as we seek to imitate Your compassion.

Help us to do new things this day and this week. Grant us Your mercy so that we may not be conformed to this world, but be transformed by the renewing of our minds, so that we may discern what is Your will—what is good and acceptable and perfect. Apart from You we can do nothing. All these things we pray in Your Saving Name, O Lord.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 73, 120, 179, 185, 228, 324, 331, 436, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 162, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 131, 231, 266, 303, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, 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, without recommendation, and rerefer to the Committee on Ways and Means.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 200, 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 338, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 264, 487; Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

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

Amendment No. 169.

AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public

assistance; **abolishing the State Board of Welfare and Supportive Services**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 4-11, 15, 16 and 30 of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the Children's Health Insurance Program and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

Section 30 of this bill repeals various provisions of existing law relating to Medicaid, the Children's Health Insurance Program and other programs which provide public assistance to accomplish that separation. **Sections 1 and 15** of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308) In addition, **sections 4-9 and 11** of this bill limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children's Health Insurance Program. **Section 16** of this bill adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in **section 11**, applies only to Medicaid and the Children's Health Insurance Program to continue to allow the Division of Welfare and Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

Sections 3, 20 and 24 of this bill replace the term "alien" with "person who is not a citizen or national of the United States" in provisions concerning the eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

Sections 18, 19 and 23 of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

Section 21 of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give

preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

Section 30 of this bill abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) **Section 30** also repeals provisions of chapter 422A of NRS concerning certain family planning and prenatal care programs ~~that are duplicated in chapter 422 of NRS.~~ (NRS ~~422.284, 422.287,~~ 422A.310, 422A.315)

Section 29 of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport recipients of services pursuant to the Children's Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

~~[Section 30 of this bill repeals existing law that requires the Division of Welfare and Supportive Services to identify and refer recipients of public assistance who are victims of domestic violence. (NRS 422A.350) Section 30 further repeals provisions requiring recipients of public assistance to ensure that dependent children are properly vaccinated and attending school as a condition to receipt of public assistance. (NRS 422A.355, 422A.360)]~~

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.

2. The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.

3. The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 2. NRS 422.050 is hereby amended to read as follows:

422.050 ~~["Public assistance" includes:~~

- ~~—(a) State Supplementary Assistance;~~
- ~~—(b) Temporary Assistance for Needy Families;~~
- ~~—(c) Medicaid;~~

~~—(d) Food Stamp Assistance;~~
~~—(e) Low Income Home Energy Assistance;~~
~~—(f) The Program for Child Care and Development; and~~
~~—(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~—2. The term does not include the Children's Health Insurance Program.]~~
has the meaning ascribed to it in NRS 422A.065.

Sec. 3. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~an alien~~ **a person who is not a citizen or national of the United States** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~an alien~~ **a person who is not a citizen or national of the United States** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 4. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the ~~[program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development,]~~ **State Plan for Medicaid, the Children's Health Insurance Program or any other program for which the Division is responsible** must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 5. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in ~~a Nevada program for public assistance,~~ **any program for which the Division is responsible**, whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 6. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer ~~all public welfare programs of this State, including:~~
~~(a) State Supplementary Assistance;~~
~~(b) Temporary Assistance for Needy Families;~~
~~(c) Medicaid;~~
~~(d) Food Stamp Assistance;~~
~~(e) Low Income Home Energy Assistance;~~
~~(f) The Program for Child Care and Development;~~
~~(g) The Program for the Enforcement of Child Support;~~
~~(h) The Children's Health Insurance Program; and~~
~~(i) Other welfare activities and services provided for by the laws of this State.]~~ ***Medicaid and the Children's Health Insurance Program.***

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of ~~any of the services and activities set forth in subsection 1.]~~ ***Medicaid and the Children's Health Insurance Program.***

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of ~~welfare programs,]~~ ***Medicaid and the Children's Health Insurance Program*** and in increasing the efficiency of ~~welfare programs]~~ ***Medicaid and the Children's Health Insurance Program*** by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of ~~welfare]~~ needs ***for Medicaid and the Children's Health Insurance Program*** and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to ~~public assistance, welfare services]~~ ***Medicaid*** and institutional care, when deemed necessary or convenient by the Director.

~~[6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.~~

~~7. As used in this section, “Program for the Enforcement of Child Support” means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.]~~

Sec. 7. NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~[public assistance]~~ **Medicaid or the Children’s Health Insurance Program** or a claim for ~~[services]~~ **benefits from either program** is not acted upon by the ~~[Department]~~ **Division** within a reasonable time after the filing of the application or claim for ~~[services.]~~ **benefits**, or is denied in whole or in part, or if any ~~[grant of public assistance or]~~ claim for ~~[services]~~ **benefits** is reduced, suspended or terminated, the applicant ~~[for]~~ or recipient ~~[of public assistance or services]~~ may appeal to the ~~[Department]~~ **Division** and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~[public assistance or services.]~~ **benefits**, the ~~[Department]~~ **Division** shall notify that applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~[Department]~~ **Division** shall notify that person of the time, place and nature of the hearing. The ~~[Department]~~ **Division** shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~[Department]~~ **Division** is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~[amount of public assistance or services]~~ **benefits** that may be received by an applicant or recipient.

Sec. 8. NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

- (a) All pleadings, motions and intermediate rulings.
- (b) Evidence received or considered.
- (c) Questions and offers of proof and objections, and rulings thereon.
- (d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~{Department}~~ **Division** who investigated or made the initial decision to deny, modify or cancel ~~{a grant of public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** shall not participate in the making of any decision made pursuant to the hearing.

Sec. 9. NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~{Department}~~ **Division** or an applicant for or recipient of ~~{public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of ~~{public assistance or services}~~ **benefits provided pursuant to Medicaid or the Children's Health Insurance Program** resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~{Department}~~ **Division**.

Sec. 10. NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~{to 422.29308, inclusive}~~, **422.29304 and 422.29306;**

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

Sec. 11. NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~{public assistance, the estate of the recipient,}~~ **Medicaid** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~{public assistance}~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient an amount not to exceed the

amount ~~[of public assistance]~~ incorrectly paid ~~[to]~~ **on behalf of** the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~[public assistance;]~~ **Medicaid;**

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~[incorrectly paid public assistance;]~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public benefits]~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the ~~[any]~~ **amount** incorrectly paid ~~[public assistance;]~~ **on behalf of the recipient.**

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~[public assistance, the estate of the recipient;]~~ **Medicaid**, the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public assistance]~~ **Medicaid** or **for** admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~[public assistance]~~ **amounts** incorrectly paid ~~[to a recipient]~~ **on behalf of a recipient of Medicaid** if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

Sec. 12. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or

misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of \$100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~this chapter and~~ chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~subsection 1, "public"~~ **this section:**

(a) **"Public assistance"** includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) **"Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.**

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 15. Each application for Medicaid must include a statement that:

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application,

↪ may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application for public benefits on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, "public assistance" does not include Medicaid.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, **and section 15 of this act** have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 ~~["Food Stamp]~~ **"Supplemental Nutrition Assistance"** means the program established to provide persons of low income with an opportunity to ~~[obtain]~~ **purchase** a more nutritious diet ~~[through the issuance of coupons]~~ pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

Sec. 19. NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

- (a) State ~~[Supplemental]~~ **Supplementary Assistance**;
- (b) Temporary Assistance for Needy Families;
- (c) Medicaid;
- (d) ~~[Food Stamp Assistance;]~~ **Supplemental Nutrition Assistance**;
- (e) Low-Income Home Energy Assistance;
- (f) The Program for Child Care and Development;
- (g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and
- (h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 20. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[an alien]~~ **a person who is not a citizen or national of the United States** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[an alien]~~ **a person who is not a citizen or national of the United States** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. NRS 422A.155 is hereby amended to read as follows:

422A.155 **1.** The Administrator must:

~~1-1~~ (a) Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.

~~2. Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.~~

~~3-1~~ (b) Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~4-1~~ (c) Possess qualities of leadership.

2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.

Sec. 22. NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. ~~Reports to the Board.~~

~~3-1~~ A biennial report to the Director on the condition, operation and functioning of the Division.

Sec. 23. NRS 422A.255 is hereby amended to read as follows:

422A.255 The Department shall:

1. Administer all public welfare programs of this State, including:

(a) State Supplementary Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~Food Stamp~~ **Supplemental Nutrition** Assistance;

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) The Program for the Enforcement of Child Support;

(h) The Children's Health Insurance Program; and

(i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration

found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. *As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.*

Sec. 24. NRS 422A.265 is hereby amended to read as follows:

422A.265 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families;

(b) Medicaid; or

(c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

➔ to a qualified ~~alien~~ **person who is not a citizen or national of the United States** who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. ~~{As used in this section, "qualified alien" has the meaning ascribed to it in}~~ **A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of 8 U.S.C. § 1641(b).**

Sec. 24.5. NRS 422A.360 is hereby amended to read as follows:

422A.360 1. ~~{As a condition to the receipt of public assistance, a}~~ **A** recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or

charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

↪ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 25. ~~[NRS 422A.600 is hereby amended to read as follows:~~

~~422A.600 Notwithstanding any other provision of this chapter, if the Division determines that:~~

~~1. The head of a household is a victim of domestic violence ; [pursuant to NRS 422A.350;] and~~

~~2. Requiring the head of the household to comply with the requirements of this chapter or the regulations adopted pursuant thereto may endanger or threaten the physical safety of the head of the household,~~

~~↪ the Division may waive those requirements for such a period as it deems appropriate.] (Deleted by amendment.)~~

Sec. 26. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire

departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter

353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS ~~422.291~~ **422A.325**.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 27. NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 ~~to 422.29308, inclusive.~~, **422.29304 and 422.29306.**

Sec. 28. NRS 217.180 is hereby amended to read as follows:

217.180 1. 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 the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim 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 the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's 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 the applicant 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.

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.

5. As used in this section:

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

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~422.050 and~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) “Sexual assault” has the meaning ascribed to it in NRS 200.366.

Sec. 29. Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval . ~~and expires by limitation on June 30, 2013.~~

Sec. 30. NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053, 422.0535, 422.245, 422.2716, ~~422.284, 422.287,~~ 422.291, 422.29308, 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 ~~and~~ 422A.315 ~~, 422A.350, 422A.355, 422A.360 and 422A.370~~ are hereby repealed.

Sec. 31. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children’s Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.

422.042 “Food Stamp Assistance” defined.

422.045 “Low-Income Home Energy Assistance” defined.

422.048 “Program for Child Care and Development” defined.

422.0525 “State Supplementary Assistance” defined.

422.053 “Supplemental Security Income Program” defined.

422.0535 “Temporary Assistance for Needy Families” defined.

422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

~~**422.284 Family planning service; birth control.**~~

~~**422.287 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.**~~

422.291 Assistance not assignable or subject to process or bankruptcy law.

422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.

422A.010 “Board” defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.

~~[422A.350 Identification and referral of victims of domestic violence; restricted disclosure of determination.~~

~~422A.355 Recipients of public assistance: Immunization of dependent children.~~

~~422A.360 Recipients of public assistance: Attendance of children at school and assistance with their academic performance.~~

~~422A.370 Expedited application for treatment or services for certain persons.]~~

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 11.

Bill read second time.

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

Amendment No. 204.

SUMMARY—~~[Repeals]~~ **Revises** the provision requiring insurers to report to the Division of Industrial Relations of the Department of Business and Industry certain claims relating to diseases of the heart or lung and occupational diseases that are infectious or relate to cancer. (BDR 53-351)

AN ACT relating to industrial insurance; ~~[repealing]~~ **revising** the provision which requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims for compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This act repeals the provision which]~~ **Existing law** requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims relating to diseases of the heart or lungs and occupational diseases that are infectious or relate to cancer. (NRS 617.357) **This bill revises that provision by requiring an insurer to submit such a report only if the claimant is a firefighter, police officer, including a peace officer, arson investigator or emergency medical attendant.**

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

Section 1. ~~[NRS 617.357 is hereby repealed.] (Deleted by amendment.)~~

Sec. 2. NRS 617.357 is hereby amended to read as follows:

617.357 1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation ***in which the claimant is a firefighter, police officer, arson investigator or emergency medical attendant*** that is filed with the insurer ~~[for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer.]~~ ***pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487.*** The written report must be submitted to the Administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:

- (a) A statement specifying the nature of the claim;
- (b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;
- (c) A statement indicating the estimated medical costs for the claim; and
- (d) Any other information required by the Administrator.

2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.

3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:

- (a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and
- (b) Any other information concerning those claims required by the Administrator.

4. As used in this section, the term “police officer” includes a peace officer as that term is defined in subsection 3 of NRS 289.010.

~~[Sec. 2.]~~ **Sec. 3.** This act becomes effective upon passage and approval.

f

TEXT OF REPEALED SECTION

~~617.357 Claims regarding diseases of heart or lungs, infectious diseases or cancer: Reports by insurers to Administrator; public reports by Administrator.~~

~~1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation that is filed with the insurer for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer. The written report must be submitted to the~~

~~Administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:~~

- ~~(a) A statement specifying the nature of the claim;~~
- ~~(b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;~~
- ~~(c) A statement indicating the estimated medical costs for the claim; and~~
- ~~(d) Any other information required by the Administrator.~~

~~2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.~~

~~3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:~~

- ~~(a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and~~
- ~~(b) Any other information concerning those claims required by the Administrator.]~~

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time.

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

Amendment No. 75.

AN ACT relating to public health; creating the Committee to Review Suicide Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain data or information to be made available to the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Statewide Program for Suicide Prevention within the office of the Director of the Department of Health and Human Services. The purpose of the Statewide Program is to: (1) create public awareness for issues relating to suicide prevention; (2) build community networks; and (3) carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who

have contact with persons at risk of suicide. Existing law also requires the employment of a Coordinator of the Statewide Program and a person to serve as a trainer for suicide prevention to provide educational activities to the general public relating to suicide prevention and to provide other assistance in carrying out the Statewide Program. (NRS 439.511, 439.513)

Sections 2-5 of this bill create the Committee to Review Suicide Fatalities within the ~~Office of the Director.~~ **Department. Section 7 of this bill similarly moves the Statewide Program from the office of the Director to the Department.** **Section 3** requires the Director to appoint the members of the Committee from among certain persons and groups of persons and provides that each member serves at the pleasure of the Director. **Section 4** requires the Committee to adopt a written protocol setting forth the suicide fatalities which must be reported to the Committee and screened for review by the Committee. **Section 4** also requires the Committee to obtain and use any data or other information to review suicide fatalities in this State to determine trends, risk factors and strategies for the prevention of suicide fatalities and to take certain other actions concerning those fatalities. **Section 5** authorizes the Committee to: (1) conduct investigations and hold hearings; (2) share information with certain persons or teams; (3) petition a district court for the issuance of a subpoena; (4) propose recommended legislation; (5) issue special reports; and (6) engage in any other activity required by the Director concerning suicide fatalities in this State. **Section 5** also requires the Committee to submit an annual report to the Director concerning the activities of the Committee. **Section 8** of this bill requires the Coordinator to employ at least one person to act as a trainer for suicide prevention and requires at least one trainer for suicide prevention to be based in a county whose population is 700,000 or more (currently Clark County). **Sections 9 and 10** of this bill make several changes concerning the requirement to allow the Committee to review a certificate of death and to provide other information to the Committee.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Committee" means the Committee to Review Suicide Fatalities created by section 3 of this act.*

Sec. 3. 1. *The Committee to Review Suicide Fatalities is hereby created within the ~~Office of the Director.~~ Department. The Committee must consist of the following 10 members appointed by the Director:*

(a) A county coroner or medical examiner or his or her designee;

- (b) *One person who represents providers of health care;*
- (c) *One person who represents organizations having expertise in suicide prevention;*
- (d) *One person who represents organizations having expertise in the treatment of substance abuse and prevention;*
- (e) *One person who represents mental health agencies;*
- (f) *One person who represents law enforcement;*
- (g) *One person who represents injury prevention;*
- (h) *One person who represents Native American tribes;*
- (i) *One person who represents advocates for individuals and families with mental illness; and*
- (j) ~~*[Any other person whom the Director determines may provide assistance to the Committee in carrying out its duties.]*~~ *One person who represents veterans.*

2. *After the initial term, each member of the Committee shall serve for a term of 3 years and may be reappointed. Each member of the Committee serves at the pleasure of the Director. If a vacancy occurs, the Director shall appoint a new member to fill the vacancy for the remainder of the unexpired term in the same manner as the initial appointment.*

Sec. 4. 1. The Committee:

(a) *Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the suicide fatalities in this State which must be reported to the Committee and screened for review by the Committee and the suicide fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.*

(b) *May review any accidental death which the Committee determines may assist in suicide prevention efforts in this State.*

(c) *May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.*

2. *The Committee shall obtain and use any data or other information to:*

(a) *Review suicide fatalities in this State to determine trends, risk factors and strategies for prevention;*

(b) *Determine and prepare reports concerning trends and patterns of suicide fatalities in this State;*

(c) *Identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State;*

(d) *Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and*

(e) *Recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State.*

3. *In conducting a review of a suicide fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:*

(a) *The Coordinator of the Statewide Program for Suicide Prevention employed pursuant to NRS 439.511;*

(b) *Each trainer for suicide prevention employed pursuant to NRS 439.513; and*

(c) *A multidisciplinary team:*

(1) *To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495;*

(2) *To review the death of a child organized pursuant to NRS 432B.405; and*

(3) *To oversee the review of the death of a child organized pursuant to NRS 432B.4075.*

4. *Any review conducted by the Committee pursuant to sections 2 to 5, inclusive, of this act is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.*

5. *To conduct a review pursuant to sections 2 to 5, inclusive, of this act, the Committee may access information, including, without limitation:*

(a) Any investigative information obtained by a law enforcement agency relating to a death;

(b) Any records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death;

(c) Any medical or mental health records of a decedent; and

(d) Any records relating to social or rehabilitative services provided to a decedent; and

(e) Any records of a social services agency which has provided services to a decedent.

Sec. 5. 1. *The Committee may:*

(a) *Conduct investigations and hold hearings in connection with carrying out the provisions of sections 2 to 5, inclusive, of this act.*

(b) *If appropriate, meet and share information with any person or team specified in subsection 3 of section 4 of this act.*

(c) *Petition a district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to any suicide fatality in this State that is the subject of a review conducted by the Committee. Except as otherwise provided in*

NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

(d) Propose recommended legislation concerning suicide fatalities in this State.

(e) Issue a special report to notify the appropriate authorities or members of the public concerning the need to take any prompt corrective action concerning suicide fatalities in this State.

(f) Engage in any other activity required by the Director concerning suicide fatalities in this State.

2. The Committee shall annually submit to the Director a report concerning the activities of the Committee. The report must include, without limitation, a statement setting forth:

(a) Any trends or patterns in suicide fatalities in this State or serious injuries or risk factors concerning those fatalities; and

(b) In addition to any recommendation made pursuant to section 4 of this act, any recommendations for changes in any law, policy or practice that may assist the Committee in preventing suicide fatalities in this State or related serious occurrences.

3. A report submitted pursuant to subsection 2 must not include any confidential or privileged information.

4. Except as otherwise provided in this section ~~and~~ and NRS 239.0115, any information acquired by or any records of the Committee are confidential, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 6. NRS 439.010 is hereby amended to read as follows:

439.010 Except as otherwise provided in NRS 439.581 to 439.595, inclusive, **and sections 2 to 5, inclusive, of this act**, the provisions of this chapter must be administered by the Administrator and the Health Division, subject to administrative supervision by the Director.

Sec. 7. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the ~~Office of the Director~~ **Department** a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(d) Enhance crisis services relating to suicide prevention;

(e) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(f) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(g) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(h) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally

accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(i) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

(j) Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; and

(k) Oversee and provide technical assistance to ~~{the}~~ *each* person employed to act as a trainer for suicide prevention pursuant to NRS 439.513.

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 8. NRS 439.513 is hereby amended to read as follows:

439.513 1. The Coordinator of the Statewide Program for Suicide Prevention shall employ ~~{a}~~ *at least one* person to act as a trainer for suicide prevention and facilitator for networking for Southern Nevada.

2. ~~{The}~~ *Each* trainer for suicide prevention:

(a) Must have at least the following education and experience:

(1) Three years or more of experience in providing education and training relating to suicide prevention to diverse community groups; or

(2) A bachelor's degree, master's degree or doctoral degree in social work, public health, psychology, sociology, counseling or a closely related field and 2 years or more of experience in providing education and training relating to suicide prevention.

(b) Should have as many of the following characteristics as possible:

(1) Significant knowledge and experience relating to suicide and suicide prevention;

(2) Knowledge of methods of facilitation, networking and community-based suicide prevention programs;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in providing suicide awareness information and suicide prevention training.

3. ~~[[The]]~~ *At least one* trainer for suicide prevention must be based in a county whose population is 700,000 or more.

4. ~~[[The]]~~ *Each* trainer for suicide prevention shall:

(a) Assist the Coordinator of the Statewide Program for Suicide Prevention in disseminating and carrying out the Statewide Program in the county in which the trainer for suicide prevention is based;

(b) Provide information and training relating to suicide prevention to emergency medical personnel, providers of health care, mental health agencies, social service agencies, churches, public health clinics, school districts, law enforcement agencies and other similar community organizations in the county in which the trainer for suicide prevention is based;

(c) Assist the Coordinator of the Statewide Program for Suicide Prevention in developing and carrying out public awareness and media campaigns targeting groups of persons who are at risk of suicide in the county in which the trainer for suicide prevention is based;

(d) Assist in developing a network of community-based programs for suicide prevention in the county in which the trainer for suicide prevention is based, including, without limitation, establishing one or more local advisory groups for suicide prevention; and

(e) Facilitate the sharing of information and the building of consensus among multiple constituent groups in the county in which the trainer for suicide prevention is based, including, without limitation, public agencies, community organizations, advocacy groups for suicide prevention, mental health providers and representatives of the various groups that are at risk for suicide.

Sec. 9. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495; and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406; ~~and~~

(c) ***Shall allow the use of certificates of death by the Committee to Review Suicide Fatalities created by section 3 of this act; and***

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 10. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or

NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(k) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(r) The persons who are the subject of a report;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100; ~~for~~

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence ~~to~~; or

(aa) The Committee to Review Suicide Fatalities created by section 3 of this act.

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

4. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

↪ who is given access, pursuant to subsection 1, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 11. As soon as practicable after October 1, 2013, the Director of the Department of Health and Human Services shall appoint the members of the Committee to Review Suicide Fatalities required by section 3 of this act to initial terms as follows:

1. Four members to serve for a term of 3 years;
2. Three members to serve for a term of 2 years; and
3. Three members to serve for a term of 1 year.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 202.

AN ACT relating to public records; revising provisions governing requests for books and records of certain agencies of the Executive Department of the State Government; ~~reodifying a common law balancing test by which governmental entities determine whether to disclose certain books and records of the entity; revising provisions governing the information that a governmental entity is required to provide upon the denial of a request for a book or record of the entity;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. (NRS 239.010) The Nevada Supreme Court has established a balancing test for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record. Under this balancing test, the

governmental entity is required to determine whether the private or governmental interest served by withholding the book or record clearly outweighs the right of the public to inspect or copy the book or record. (*Donrey v. Bradshaw*, 106 Nev. 630 (1990); *DR Partners v. Board of County Comm'rs*, 116 Nev. 616 (2000); *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010); *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. Adv. Op. 79, 266 P.3d 623 (2011)) The legislative declaration for the Nevada Public Records Act (chapter 239 of NRS) requires that the Act be construed liberally to foster democratic principles by providing the public with access to inspect and copy public books and records and that any restriction on the disclosure of public books and records be construed narrowly. (NRS 239.001) Existing law imposes the burden of proof on a governmental entity that withholds a record to prove, by a preponderance of the evidence, that the record, or a part thereof, is confidential. (NRS 239.0113)

Section 1 of this bill requires the head of each agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government except the Nevada System of Higher Education to designate one or more employees to act as records ~~manager~~ **official** for the agency, whose duties relate to handling requests for public books or records of the agency. **Section 1** requires the State Library and Archives Administrator, in cooperation with the Attorney General, to prescribe: (1) the form for requesting to inspect a copy of a public book or record of such an agency; (2) the form to be used by such an agency to respond to such a request; and (3) the procedures with which a records ~~manager~~ **official** is required to comply in carrying out his or her duties. **Section 1** also requires each such agency to make those forms and procedures available on any website maintained by the agency on the Internet.

~~Section~~ **Sections 3 and 3.5** of this bill ~~compiles~~ **compile** all the statutory provisions that prohibit the disclosure of or specifically declare public books and records confidential. ~~Section 3 also codifies the common law balancing test established by the Nevada Supreme Court for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record.~~

~~Under existing law, if a governmental entity denies a request to inspect a public book or record because all or a portion of the book or record is confidential, the governmental entity is required to provide the requester with written notice of that fact and a citation to the legal authority that makes the book or record, or portion thereof, confidential. (NRS 239.0107) Section 4 of this bill revises the contents of the written notice to require, in most~~

~~circumstances, a general factual description of the withheld public book or record, or portion thereof, and a specific explanation for the denial of the request.]~~

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records ~~manager~~ official for the agency.

2. A records ~~manager~~ official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect or copy a public book or record of the agency.

3. The State Library and Archives Administrator, pursuant to NRS 378.255 and in cooperation with the Attorney General, shall prescribe:

(a) The form for a request by a person to inspect or copy a public book or record of an agency of the Executive Department pursuant to NRS 239.0107;

(b) The form for the written notice required to be provided by an agency of the Executive Department pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 239.0107; and

(c) By regulation the procedures with which a records ~~manager~~ official must comply in carrying out his or her duties.

4. Each agency of the Executive Department shall make available on any website maintained by the agency on the Internet or its successor the forms and procedures prescribed by the State Library and Archives Administrator and the Attorney General pursuant to subsection 3.

Sec. 2. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. “Actual cost” means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. “Agency of the Executive Department” means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

3. “Committee” means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

~~{3-}~~ 4. “Division” means the Division of State Library and Archives of the Department of Administration.

~~{4-}~~ 5. “Governmental entity” means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State , ***including, without limitation, an agency of the Executive Department,*** or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

~~{5-}~~ 6. “Privatization contract” means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in ~~subsection 3,~~ ***this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.030, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.061, 126.141, 126.161, 126.163, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.440, 281A.470, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100,***

353C.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 389.015, 391.035, 392.029, 392.129, 392.147, 392.264, 392.271, 392.456, 392.4575, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 522.040, 534A.031, 561.285, 571.160, 574.053, 584.583, 584.5835, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, ~~686B.550,~~ 696B.550, 703.196, 706.1725, 704B.320, 704B.325, 710.159, 711.600 and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity [~~the contents of which are not otherwise declared by law to be confidential,~~] must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general

public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

~~2. *A governmental entity may withhold a public book or record of the governmental entity if, on the facts of the particular case, the public interest served by nondisclosure of the public book or record clearly outweighs the public interest served by disclosure of the public book or record.*~~

~~3.~~ A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

~~3.~~ A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

~~4.~~ A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

Sec. 3.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.030, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.061, 126.141, 126.161, 126.163, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, **130.712**, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,

281A.440, 281A.470, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 389.015, 391.035, 392.029, 392.129, 392.147, 392.264, 392.271, 392.456, 392.4575, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 522.040, 534A.031, 561.285, 571.160, 574.053, 584.583, 584.5835, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 706.1725, 704B.320, 704B.325, 710.159, 711.600 and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

Sec. 4. ~~NRS 239.0107 is hereby amended to read as follows:~~

~~239.0107 1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:~~

~~(a) Allow the person to inspect or copy the public book or record.~~

~~(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.~~

~~(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not~~

~~available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.~~

~~(d) If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) A [citation to the specific statute or other legal authority that makes] *general factual description of the public book or record, or a part thereof, [confidential]* and a specific explanation for the denial of the request unless the governmental entity demonstrates that the person requesting the public book or record has sufficient information to meaningfully contest the claim of confidentiality of the public book or record by the governmental entity without such a description and explanation.~~

~~2. The provisions of this section must not be construed to prohibit an oral request to inspect or copy a public book or record.] (Deleted by amendment.)~~

Sec. 5. 1. This section and sections 1, 2 and 3 of this act become effective on October 1, 2013.

2. Section 3 of this act expires by limitation on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.

3. Section 3.5 of this act becomes effective on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time and ordered to third reading.

Assembly Bill No. 56.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 109.

AN ACT relating to public meetings; exempting certain ~~committees and subcommittees of a public body~~ **entities, proceedings and meetings** from compliance with the Open Meeting Law in certain circumstances; prohibiting a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revising provisions relating to the prosecution of an alleged violation of the Open Meeting Law; revising provisions governing the provision of supporting material for meetings to the public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) **Section 2** of this bill ~~compiles a list of provisions relating to the applicability of and~~ **provides certain** exceptions and exemptions to **the Open Meeting Law and provides that any other provision of law which: (1) exempts a meeting, hearing or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing or proceeding prevails over the general provisions of the Open Meeting Law. ~~currently in existing law.~~ **Sections 6 and 8** of this bill make conforming changes. ~~Section 2 also adds an exemption to the Open Meeting Law for meetings of a committee or subcommittee of a public body when the committee or subcommittee is engaged solely in activities relating to the acquisition of facts for the public body.~~**

Section 3 of this bill prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of the member unless members of the public body are expressly authorized to do so by the constitutional provision, statute, ordinance, resolution or other legal authority that created the public body. **Section 3** also requires that any such designation be made in writing ~~or~~ **or made on the record at a meeting of the public body**, deems any person so designated to be a member of the public body for purposes of determining a quorum at the meeting and entitles such a person to exercise the same powers as the regular members of the public body at the meeting.

Any action taken by a public body in violation of the Open Meeting Law is void. (NRS 241.036) Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) Existing law authorizes the Attorney General or a member of the public to sue a public body: (1) within 60 days after an alleged violation to have an action by the public body declared void; or (2) within 120 days after an alleged violation to require the public body to comply with the Open Meeting Law. (NRS 241.037) **Section 4** of this bill provides that if a public body takes certain corrective action within 30 days after an alleged violation,

the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines that foregoing prosecution would be in the best interests of the public. **Section 4** also extends by 30 days the deadline by which lawsuits to enforce the Open Meeting Law may be filed by the Attorney General in the context of corrective action. **Section 4** further provides that any action taken by a public body to correct an alleged violation of the Open Meeting Law is effective prospectively. ~~only.~~

With certain exceptions, a public body is required to comply with the Open Meeting Law when a quorum of its members is present to deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. (NRS 241.015) **Section 6** of this bill defines “deliberate” for purposes of this requirement to mean collectively examining, weighing and reflecting on the reasons for or against an action and includes the collective discussion ~~and the collective acquisition or the~~ or exchange of facts preliminary to the ultimate decision. **Section 6** also clarifies that a quorum of members may be present in person or by means of electronic communication.

Under the Open Meeting Law, a public body is required, upon request and at no charge, to provide a copy of an agenda for the meeting, any proposed ordinance or regulation to be discussed at the meeting, and other supporting material, with certain exceptions, provided to members of the public body for an item on the agenda. (NRS 241.020) **Section 7** of this bill requires that a public body include on the notice for a meeting: (1) the name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for a meeting; and (2) a list of the locations where the supporting material is available to the public. **Section 7** also requires the governing body of a city or county whose population is ~~40,000~~ 45,000 or more (currently Clark, Douglas, Elko, Lyon ~~and Nye~~ and Washoe Counties and the cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to post the supporting material to its website not later than the time at which the material is provided to the members of the ~~public~~ governing body ~~or, if the supporting material is provided to the governing body at a meeting, not later than 24 hours after the meeting.~~ **Section 7** also authorizes such a public body to provide the supporting material via a link to the posting on its website to a person who has requested to receive the material by electronic mail if the person so agrees.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.*

2. *The following are exempt from the requirements of this chapter:*

(a) *The Legislature of the State of Nevada.*

(b) *Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.*

(c) *Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.*

~~(d) Meetings of a committee or subcommittee of a public body when engaged solely in activities relating to the acquisition of facts on a matter within the supervision, control, jurisdiction or advisory power of the public body, but not when deliberating or taking action, including, without limitation, making recommendations, on the matter.~~

~~3. The special provisions of NRS 91.270, subsection 2 of NRS 239C.140, subsection 15 of NRS 281A.440, NRS 281A.470, subsection 8 of NRS 281A.550, subsection 7 of NRS 284.3629, NRS 286.150, subsection 4 of NRS 287.0415, NRS 288.220, subsection 10 of NRS 289.387, subsection 13 of NRS 295.121, NRS 360.247, subsection 4 of NRS 385.555, subsection 2 of NRS 386.585, subsection 1 of NRS 392.147, subsection 3 of NRS 392.467, NRS 392.656, subsection 2 of NRS 392A.105, NRS 394.1699, subsection 7 of NRS 396.3295, subsection 2 of NRS 463.110, NRS 622.320, 630.311, subsection 1 of NRS 630.336, subsection 3 of NRS 639.050, NRS 642.518, 642.557, 696B.550, subsection 11 of NRS 686B.170, NRS 703.196 and 706.1725 prevail.~~

3. Any provision of law which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding.

↪ prevails over the general provisions of this chapter.

4. *The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.*

Sec. 3. 1. *A member of a public body may not designate a person to attend a meeting of the public body in the place of the member unless such designation is expressly authorized by the legal authority pursuant to which the public body was created. Any such designation must be made in writing ~~and~~ or made on the record at a meeting of the public body.*

2. A person designated pursuant to subsection 1:

(a) Shall be deemed to be a member of the public body for the purposes of determining a quorum at the meeting; and

(b) Is entitled to exercise the same powers as the regular members of the public body at the meeting.

Sec. 4. 1. ~~1.1~~ Except as otherwise provided in subsection 4, if a public body, after providing the notice described in subsection 2, takes action in conformity with this chapter to correct an alleged violation of this chapter within 30 days after the alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines foregoing prosecution would be in the best interests of the public.

2. ~~Before~~ Except as otherwise provided in subsection 4, before taking any action to correct an alleged violation of this chapter, the public body must include an item on the agenda posted for the meeting at which the public body intends to take the corrective action ~~clearly denoting that the possible action to be taken by the public body is the correction of an alleged violation of this chapter.~~ in conformity with this chapter. ~~by the public body and include a brief description of the alleged violation.~~ The inclusion of an item on the agenda for a meeting of a public body pursuant to this subsection is not an admission of wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.

3. For purposes of subsection 1, the period of limitations set forth in subsection 3 of NRS 241.037 by which the Attorney General may bring suit is tolled for 30 days.

4. The provisions of this section do not prohibit a public body from taking action in conformity with this chapter to correct an alleged violation of the provisions of this chapter before the adjournment of the meeting at which the alleged violation occurs.

5. Any action taken by a public body to correct an alleged violation of this chapter by the public body is effective prospectively. ~~only. Any attempt to make the action apply retroactively is void.~~

Sec. 5. NRS 241.010 is hereby amended to read as follows:

241.010 1. In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

2. If any member of a public body is present by means of ~~electronic communication~~ teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.

Sec. 6. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present , *whether in person or by means of electronic communication*, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present , *whether in person or by means of electronic communication*, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present , *whether in person or by means of electronic communication*, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "*Deliberate*" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion ~~and the collective acquisition~~ *or exchange of facts preliminary to the ultimate decision.*

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present , *whether in person or by means of electronic communication*, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present , *whether in person or by means of electronic communication*, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present ~~{-}~~ , *whether in person or by means of electronic communication*:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter

over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

~~{3.}~~ **4.** Except as otherwise provided in ~~[this subsection,]~~ **section 2 of this act**, “public body” means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

- (1) The Constitution of this State;
- (2) Any statute of this State;
- (3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;
- (4) The Nevada Administrative Code;
- (5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;
- (6) An executive order issued by the Governor; or
- (7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

~~["Public body" does not include the Legislature of the State of Nevada.~~

~~4.]~~ 5. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 7. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) ***The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 5 and a list of the locations where the supporting material is available to the public.***

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item ~~["]~~ **or, if the item is placed on the agenda pursuant to section 4 of this act, by placing the term "for possible corrective action" next to the appropriate item.**

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body

takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

- (a) An agenda for a public meeting;
- (b) A proposed ordinance or regulation which will be discussed at the public meeting; and
- (c) Subject to the provisions of subsection 6 ~~6~~ **or 7, as applicable**, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➤ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➤ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. **The governing body of a county or city whose population is ~~40,000~~ 45,000 or more shall post the supporting material described in paragraph (c) of subsection 5 to its website not later than the time the material is provided to the members of the ~~public body~~ governing body or, if the**

supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 5. The inability of the ~~selected public~~ governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

8. A public body may provide the public notice, information ~~and~~ or supporting material required by this section by electronic mail. ~~If~~ Except as otherwise provided in this subsection, if a public body makes such notice, information ~~and~~ or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. ~~If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available.~~ The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information ~~or~~, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~{8.}~~ 9. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 8. NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to:

- (a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.
- (b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.
- (c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the

meeting or relevant portion thereof be open to the public. A request described in this subsection:

- (a) May be made at any time before or during the meeting; and
- (b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

- (a) The nature of the business to be considered; and
- (b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. ~~Except as otherwise provided in this subsection, meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter. The provisions of this subsection do not apply to meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke parole of a prisoner or to establish or modify the terms of the parole of a prisoner.~~

~~5.]~~ This chapter does not:

- ~~(a) Apply to judicial proceedings.~~
- ~~(b)]~~ Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

~~(c)]~~ *(b)* Prevent the exclusion of witnesses from a public or ~~(private)]~~ *closed* meeting during the examination of another witness.

~~(d)]~~ *(c)* Require that any meeting be closed to the public.

~~(e)]~~ *(d)* Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

~~6. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.]~~

Sec. 9. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

- (a) The date, time and place of the meeting.
- (b) Those members of the public body who were present , *whether in person or by means of electronic communication*, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public within 30 working days after the adjournment of the meeting at which taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 6, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a

meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. Except as otherwise provided in subsection 6, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

6. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 5 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 10. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. ***Except as otherwise provided in section 4 of this act:***

(a) Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter.

(b) Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

Sec. 11. NRS 241.039 is hereby amended to read as follows:

241.039 1. ~~[The]~~ *Except as otherwise provided in section 4 of this act,* the Attorney General shall investigate and prosecute any violation of this chapter.

2. In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

3. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

Sec. 12. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; establishing fees; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides ~~[advice or]~~ assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such ~~[advice or]~~ assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides ~~[advice or]~~ assistance to the client in a legal matter, including, without

limitation, preparing or completing a pleading or other document for the client ~~or securing supporting documents or referring the client to an attorney for representation in the matter.~~ **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides certain services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; ~~and~~ (7) ~~any person who holds a license or other authorization to engage in a profession or occupation and who is acting within the scope of that authorization in the regular course of business. This last exception applies, for example, to an architect, contractor, professional engineer, accountant or any other person engaged in a profession or occupation regulated pursuant to existing law.~~ a commercial wedding chapel; and (8) a person who provides legal forms or computer programs that enable another person to create legal documents.

Section 5 of this bill broadly defines “legal matter” to mean the preparation of any will ~~or trust or conveyance,~~ any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration, provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct, and requires that an applicant for registration undergo a check of his or her criminal history.

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney’s fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5 requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the**

registrant's place of business a copy of any state and local business license issued to the registrant or the registrant's employer. Section 15 provides that: (1) there must be a written contract between the client and the document preparation service; and (2) the contract must contain certain terms and disclosures ~~. [; and (3) the client may cancel the contract within 3 days after signing it.]~~

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client's file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client ~~[and billing statements]~~ for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in this chapter, 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. *"Client" means a person who:*

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. *Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.*

Sec. 4. 1. *“Document preparation service” means a person who:*

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

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

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

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

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

~~*(5) Referring the client to an attorney for representation in the legal matter; or*~~

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

2. *The term does not include:*

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

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

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

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

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

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

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

~~*(h) Except as otherwise provided in paragraph (i), a person who provides services that are regulated by federal law.*~~

~~*(i) A person authorized by federal law to represent persons before the Board of Immigration Appeals of the United States Department of Justice or*~~

~~the United States Citizenship and Immigration Services of the Department of Homeland Security, if the services provided by that person are limited to matters of the kind described in subsection 2 of section 5 of this act.~~

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

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

~~—(k) A person who:~~

~~—(1) Holds a license, certificate, registration, permit or other authorization issued pursuant to any provision of statute, other than the provisions of this chapter, to engage in a profession or occupation; and~~

~~—(2) Is acting within the scope of that authorization and in the regular course of business;~~

~~— or an employee of such a person who is acting in the course and scope of that employment.~~

(j) A commercial wedding chapel.

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

3. As used in this section, “commercial wedding chapel” means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. “Legal matter” means:

1. The preparation of any will ~~or trust~~ ~~for conveyance~~;
2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:
 - (a) Immigration and naturalization law;
 - (b) An executive order or presidential proclamation; or
 - (c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. “Registrant” means a document preparation service registered pursuant to this chapter.

Sec. 7. 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.

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

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

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of ~~±~~

~~*(1) A felony; or*~~

~~*(2) A*~~ *a gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or*

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

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

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

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the document preparation service, and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) An application fee of \$300;

(c) An additional fee, established by regulation of the Secretary of State, equal to the sum charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the applicant's fingerprints; and

~~*(d) If the applicant is self-employed, a copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located;*~~

~~*(e) If the applicant is not self-employed, a copy of the state business license of the applicant's employer issued pursuant to chapter 76 of NRS and*~~

~~a copy of any business license required by the local government where the employer's business is located; and~~

~~(f)}~~ (d) A cash bond or surety bond meeting the requirements of section 9 of this act.

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

Sec. 8. 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of \$100; and

(b) ~~A copy of each business license described in section 7 of this act; and~~

~~(c)}~~ A cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.

2. The Secretary of State may:

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

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report, in which case the Secretary of State shall require the registrant to pay the additional fee established pursuant to paragraph (c) of subsection 3 of section 7 of this act.

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 9. 1. A registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of \$50,000 which is approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act; ~~for~~

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the

registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant:

(a) Files with the Secretary of State a new bond meeting the requirements of this section; and

(b) Pays to the Secretary of State a fee for reinstatement in the amount of \$300.

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 10. 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for registration or the renewal of registration as a document preparation service pursuant to section 7 or 8 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. *Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:*

- (a) Fails to submit the statement required pursuant to subsection 1; or*
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 11. 1. *If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a document preparation service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Secretary of State shall reinstate a registration as a document preparation service that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 12. 1. *Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear and conspicuous statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.*

2. *The statement required by subsection 1 to be included in an advertisement must:*

- (a) Be in the same language as the rest of the advertisement; and*
- (b) Be in the form prescribed by regulation of the Secretary of State.*

3. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

Sec. 13. 1. Each registrant shall display conspicuously in his or her place of business a copy of his or her certificate of registration and a written notice meeting the requirements of this section.

2. The notice must:

(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.

(b) Be written in English and in ~~(any)~~ each other language ~~(native to a majority of)~~ in which the registrant transacts business with the registrant's clients.

(c) Contain a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Contain the full name of the registrant or, if more than one registrant is providing services at that place of business, the full name of each such registrant.

(e) Contain a list of the services provided by the registrant and the fee charged for each such service.

(f) Contain a statement that the registrant has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.

Sec. 13.5. 1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:

(a) Obtain a state business license before offering a document preparation service; and

(b) Maintain a state business license during the period of the registrant's registration as a document preparation service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. 1. Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) *Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.*

2. *The disclosure must be written in English and, if different, the ~~{native}~~ language ~~{of}~~ in which the registrant transacts business with the client and must include:*

(a) *The full name, business address and telephone number and registration number of the registrant.*

(b) ~~{The full name, business address and telephone number of any person, other than the registrant, who meets or consults with the client.~~

~~{(c)}~~ *The name and business address of the registrant's agent for service of process, if any, in this State.*

~~{(d)}~~ *(c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.*

~~{(e)}~~ *(d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.*

~~{(f)}~~ *(e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.*

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. 1. ~~{Except as otherwise provided in this section, before}~~ *Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the requirements of this section. The registrant shall provide the client with a copy of the contract.*

2. *The contract must:*

(a) *Be written in English and, if different, in the ~~{native}~~ language ~~{of}~~ in which the registrant transacts business with the client, and be printed or typewritten in not less than 12-point type.*

(b) *Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.*

(c) *With respect to any document to be prepared by the registrant:*

(1) ~~{Identify the document;}~~

~~{(2) State the purpose of the document;}~~

~~{(3) Explain the procedure to be followed in preparing the document and filing or submitting the document;}~~

~~—(4)—~~ State the estimated date by which the document is to be completed;

~~—(5)—~~ (2) Identify the court or agency with which the document is to be filed or submitted; and

~~—(6)—~~ (3) If ~~[this information is published by the court or agency with which the document is to be filed or submitted, state the estimated length of time for the court or agency to act upon the document.]~~ applicable, identify any associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(e) ~~Include, in boldface type, notice of the client's right to cancel the contract pursuant to subsection 3 and the address and telephone number to which the client may transmit notice of the cancellation.~~

~~—(f)—~~ Include a statement that any complaint concerning the registrant may be directed to:

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

↪ with the toll-free telephone number and Internet address for making the complaint.

~~—(g)—~~ (f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.

3. ~~{A client who enters into a contract governed by this section may cancel it by giving written or oral notice of the cancellation to the registrant, or to an agent or employee of the registrant, at the address or telephone number set forth in the contract pursuant to subsection 2, at any time before midnight of the third calendar day after the client signs the contract. If the contract is cancelled, the registrant shall immediately refund to the client any money paid by the client. For the purposes of this subsection:~~

~~—(a)—~~ The day on which the client signs the contract must not be included in computing the 3-day period.

~~—(b)—~~ The notice of cancellation shall be deemed to have been given on the date the notice is postmarked, sent or otherwise transmitted by the client to the address or telephone number set forth in the contract, regardless of the date the notice is received by the registrant.

~~—4.—~~ A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.

Sec. 16. Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.

Sec. 17. 1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

- (a) Upon the request of the client;
- (b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or
- (c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

Sec. 18. 1. Upon the presentation to a registrant of a written form of authorization signed by a client, the registrant shall provide a complete copy of the client's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.

2. A registrant shall retain a copy of any document prepared for a client for not less than 3 years after the date of the last service performed for the client. At the end of that period, unless the client requests that the document be given to the client, the document may be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. ~~1.~~ A registrant shall provide a signed receipt to a client for each payment made to the registrant by the client. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.

~~2. Within 30 days after the date of the last service performed for a client, and at least monthly while services continue to be performed for the client, a registrant shall furnish the client with a billing statement. The statement must be printed or typewritten on the letterhead of the registrant, must be in the native language of the client and must include:~~

~~(a) The name, business address and telephone number, registration number and taxpayer identification number of the registrant;~~
~~(b) A description of each task performed for the client by the registrant or at the direction of the registrant during the period covered by the statement;~~
~~(c) The date on which the task was performed;~~
~~(d) The amount of time spent in performing the task;~~
~~(e) The amount charged to the client for the task;~~
~~(f) A statement of any amounts charged to the client for photocopies, telephone toll charges, filing fees or other costs, categorizing each such cost;~~
~~(g) A statement of the total amount charged to the client for all services performed and costs incurred, identifying and deducting any amount previously paid by the client; and~~
~~(h) The name and business telephone number of a person who may be contacted by the client if the client disputes or has a question about the statement.]~~

Sec. 20. A registrant shall not:

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term “legal aid,” “legal services,” “law office,” “notary public,” “notary,” “licensed,” “attorney,” “lawyer” or any similar term, in English or in any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; or

(b) Is an attorney authorized to practice law in this State.

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. *Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.*

7. *Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.*

Sec. 21. 1. *In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.*

2. *The Secretary of State shall:*

(a) *Establish a toll-free telephone number which may be used by any person to make a complaint about a registrant or an alleged violation of this chapter.*

(b) *Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).*

Sec. 22. 1. *If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.*

2. *If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:*

(a) *Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 25 of this act.*

(b) *If a registrant has committed the violation, begin proceedings pursuant to section 23 of this act to revoke or suspend the registration of the registrant.*

(c) *Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to section 24 of this act.*

(d) *Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 25 of this act.*

(e) *Take any combination of the actions described in this subsection.*

Sec. 23. 1. *The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto.*

Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of section 7 of this act.

Sec. 24. 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than \$100 or more than \$5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 25. 1. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

3. For the purposes of subsections 1 and 2, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 26. *Notwithstanding the provisions of sections 22 to 25, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of \$500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.*

Sec. 27. *The provisions of this chapter do not:*

1. Authorize the practice of law by any person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State; or

2. Prohibit a person from representing or otherwise acting for himself or herself in a legal matter without the services of an attorney.

Sec. 28. 1. This act becomes effective:

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

(b) On January 1, 2014, for all other purposes.

2. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➔ are repealed by the Congress of the United States.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 109.

Bill read second time.

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

Amendment No. 294.

AN ACT relating to public welfare; setting forth the required qualifications of a licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of the child care facility; revising the amount of training that persons who are employed at certain child care facilities must complete for certain years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt licensing standards for child care facilities. (NRS 432A.077) The Board currently requires each director of a child care facility, other than a facility that provides care for ill children, an accommodation facility, a special needs facility or a family or group home, to be at least 21 years of age and to meet certain requirements for education and experience. (NAC 432A.300) **Section 1** of this bill requires a licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility to: (1) be at least 21 years of age; (2) have certain verified experience or training in business administration; (3) apply to the Nevada Registry and annually renew his or her registration with the Nevada Registry; and (4) meet certain increased requirements for education and experience. **Section 3** of this bill provides that these requirements do not apply to a person who has been approved as a director before the effective date of this bill if that person obtains a waiver from the Health Division of the Department of Health and Human Services or, if that person does not obtain such a waiver, until January 1, 2016.

Existing law requires any person who is employed in a child care facility, other than a facility that provides care for ill children, to complete at least 15 hours of training annually. (NRS 432A.1775) **Section 2** of this bill increases the amount of training required for ~~those persons~~ **each person employed in a child care facility that provides care for more than 12 children, other than a facility that provides care for ill children,** each year between January 1, 2014, and January 1, 2016. On and after January 1, 2016, **section 2** requires each **such** person ~~[who is employed in a child care facility, other than a facility that provides care for ill children,]~~ to complete at least 24 hours of training annually.

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 a new section to read as follows:

1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:

(a) Be at least 21 years of age and:

(1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;

(2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;

(3) Hold a high school diploma or, if approved by the Administrator of the Health Division, a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, ~~have completed at least 12 semester hours in early childhood education or related courses~~ and have at least ~~4,000~~ 2,000 hours of verifiable experience in a child care facility; or

(5) Have a combination of education and experience which, in the judgment of the Administrator of the Health Division, is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:

(a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

(b) Establish a professional development system in this State for the field of early childhood care and education;

(c) Approve and track all informal training in the field of early childhood care and education in this State; and

(d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

Sec. 2. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 **1.** Each person who is employed in a child care facility ~~that~~ that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete :

- (a) *Before January 1, 2014*, at least 15 hours of training ~~each year~~ ;
- (b) *On or after January 1, 2014, and before January 1, 2015*, at least 18 hours of training;
- (c) *On or after January 1, 2015, and before January 1, 2016*, at least 21 hours of training; and
- (d) *On or after January 1, 2016*, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of ~~such~~ *the* training ~~required by subsection~~ subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

Sec. 2.5. 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 section 1 of this act is guilty of a misdemeanor.

Sec. 3. A person who, before the effective date of this act and in accordance with regulations adopted by the State Board of Health, was approved as the director of a child care facility is not required to comply with the requirements set forth in section 1 of this act:

- 1. If the person obtains a waiver from the Health Division of the Department of Health and Human Services; or
- 2. If the person does not obtain such a waiver until January 1, 2016.

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 171.

AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357) This bill provides that a business which makes a capital investment of at least \$1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. In addition, this bill provides that a business which makes a capital investment of at least \$500,000 in the Nevada State College or ~~for a community college~~ **another smaller institution** within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of personal property taxes. The abatements afforded by this bill expire by limitation on June 30, 2023.

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. *The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:*

(a) *The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.*

(b) *The business is consistent with:*

(1) *The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and*

(2) *Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.*

(c) *The applicant has executed an agreement with the Office which must:*

(1) *Comply with the requirements of NRS 360.755;*

(2) *Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;*

(3) *State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;*

(4) *State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and*

(5) *Bind the successors in interest of the business for the specified period.*

(d) *The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.*

(e) *The business does not receive:*

(1) *Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or*

(2) *Any real or personal property from a governmental entity at no cost or at a reduced cost.*

(f) *The business meets the following requirements:*

(1) *The business makes a capital investment of at least \$1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.*

(2) *The business will employ 15 or more full-time employees for the duration of the abatement.*

(3) *The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.*

(4) *The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) *The business submits with its application for a partial abatement:*

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(g) In lieu of meeting the requirements of paragraph (f), the business meets the following requirements:

(1) The business makes a capital investment of at least \$500,000 in the Nevada State College or ~~in a community college within~~ an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (f), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) *The business will employ 15 or more full-time employees for the duration of the abatement.*

(3) *The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.*

(4) *The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of

the request for the abatement from any affected county, school district, city or town.

~~##~~ *(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives the application, the application shall be deemed denied.*

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

↪ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in

subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or

personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

- (a) A partial abatement of property taxes pursuant to NRS 361.0687;
- (b) An exemption from taxes pursuant to NRS 363B.120;
- (c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; ~~for~~
- (d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357 ~~for~~; or

(e) ***A partial abatement of taxes pursuant to section 2 of this act,***

↪ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 4. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development ***pursuant to this section*** for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement ***pursuant to this section*** if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement *pursuant to this section* unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement *pursuant to this section* by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement ~~[-] pursuant to this section.~~

4. If the Office of Economic Development approves an application for a partial abatement ~~[-] pursuant to this section,~~ the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➤ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the

requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement ~~to~~ **pursuant to this section;** and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~an~~ **a partial** abatement **pursuant to this section** who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~to~~ **or section 2 of this act,** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record; and
- (c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record;
- (c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and
- (d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 6. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel

Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[-] or section 2 of this act.~~ The report must set forth, for each abatement from taxation that the Office approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
4. Whether the business for which the abatement was approved is a new business or an existing business; and
5. Any other information that the Office determines to be useful.

Sec. 7. Notwithstanding the provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those provisions:

1. After June 30, 2023; or
2. For capital investments made in an institution of higher education in this State before July 1, 2013.

Sec. 8. 1. This act becomes effective on July 1, 2013.

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2023.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

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

Amendment No. 203.

AN ACT relating to business; revising provisions governing the state business portal; ~~requiring certain state and local agencies and health districts to use the state business portal for certain purposes;~~ **revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts;** requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; **revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment,**

Training and Rehabilitation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 1** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 1** further requires state and local agencies and health districts to **: (1) integrate their electronic application processes into the state business portal; (2) use the state business portal to** ~~[- (1) collect]~~ **accept and disseminate common** business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; and ~~[- (2) to]~~ **(3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal.** Under **section 9** of this bill ~~[-]~~ **: (1) a state or local agency or health district is** ~~[- not]~~ **required to** ~~[- comply with section 1 until]~~ **accept common business registration information via the state business portal on or before January 1, 2014, unless the State Board of Examiners extends that deadline** ~~[-]~~ **; and (2) a state or local agency or health district which believes it cannot comply with certain requirements relating to the state business portal must, with the assistance of the Secretary of State, submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation setting forth: (1) the reasons that it cannot timely comply with the requirements; and (2) a timeline for integration into the state business portal.**

Under existing law, certain persons are excluded from the definition of “business” for the purposes of state business licenses and, thus, are not required to obtain a state business license. (NRS 76.020) **Section 2** of this bill requires these persons to obtain annually from the Secretary of State a certificate of exemption from the requirement to obtain a state business license. Under **section 2**, a person required to obtain a certificate of exemption must post the certificate conspicuously at his or her establishment

or place of business and is subject to a penalty of not more than ~~[\$250]~~ **\$50** if the person fails to do so. **Section 3** of this bill provides that a person required to obtain a state business license must post the state business license conspicuously at his or her establishment or place of business and is subject to a penalty of not more than ~~[\$250]~~ **\$50** if the person fails to do so.

Section 4 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person issued a state business license or a certificate of exemption from the requirement to obtain a state business license. Under **section 1**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require applicants for such a license, certificate, registration or permit to include the business identification number on the application. **Sections 2 and 3** require that a state business license or certificate of exemption include the business identification number assigned to the holder of the license or certificate.

Sections 5 and 6 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section 7** of this bill provides that the affidavit required by existing law to obtain a local business license to sell certain retail merchandise must include a statement that the applicant has a current state business license , or a certificate of exemption from the requirements for a state business license, and the applicant's business identification number. **Section 7.5 of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.**

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

Section 1. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~and~~ and consultation with representatives of state agencies, local governments, health districts and businesses, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;*

(f) *For the purpose of coordinating the collection of common information from businesses ~~by state and local agencies and health districts~~ using the state business portal;*

(1) *Establish common business registration information ~~that is required~~ to be collected from businesses by state and local agencies and health districts ~~that~~ which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or ~~that~~ which conduct other necessary transactions with businesses in this State; and*

(2) *Cause the state business portal to provide the common business registration information to state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;*

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~and~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. *Each state or local agency or health district that issues ~~any~~ a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~for to engage in an occupation or profession in this State~~ shall:*

(a) To the extent practicable ~~[-, make]~~ :

(1) Make available on its Internet website any ~~application~~ of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~[-, for to engage in an occupation or profession in this State and integrate those]~~

(2) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(3) Integrate into the state business portal any of its applications ~~into the state business portal]~~ for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this subparagraph, “integrate” means to consolidate an electronic application process so that it is capable of collecting and disseminating any information required for the authorization of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~[-, for to engage in an occupation or profession in this State]~~ to include in the application the applicant’s business identification number ~~[-, and]~~

(c) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to ~~collect]~~ accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~[-, for to engage in an occupation or profession in this State]~~

4. As used in this section:

(a) “Business identification number” means the number assigned by the Secretary of State pursuant to section 4 of this act to an entity organized pursuant to this title or to a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act.

(b) “Disseminate” means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the same common business registration information used to issue a license, certificate, registration,

permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

(c) “Health district” means a health district created pursuant to NRS 439.362 or 439.370.

Sec. 2. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is not required to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020 ~~for NRS 680B.020~~ must obtain a certificate of exemption from the Secretary of State pursuant to this section.

2. An application for a certificate of exemption must be made upon a form prescribed by the Secretary of State and include any information that the Secretary of State deems necessary to determine whether the applicant is exempt from the requirements to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020 ~~for NRS 680B.020.~~

3. The application must be signed pursuant to NRS 239.330 by:

- (a) The owner of a business that is owned by a natural person.
- (b) A member or partner of an association or partnership.
- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a certificate of exemption is defective in any respect, the Secretary of State may return the application for correction.

5. A certificate of exemption issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.

6. A certificate of exemption must be renewed annually. A person who applies for the renewal of a certificate of exemption must submit the application for renewal:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the certificate of exemption occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the

person will not be conducting an activity for which a certificate of exemption must be obtained.

7. Every person required to obtain a certificate of exemption pursuant to this section shall post the certificate of exemption conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the certificate of exemption has expired or the person is no longer required to obtain a certificate of exemption. Any person who fails to post or keep posted a certificate of exemption as required by this section is subject to a penalty of not more than ~~(\$250)~~ \$50 to be imposed by the Secretary of State.

8. If the Secretary of State discovers that a person has violated the requirements of subsection 7, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

Sec. 3. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

➡ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

- (a) The owner of a business that is owned by a natural person.
- (b) A member or partner of an association or partnership.
- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. *A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.*

6. *Every person required to obtain a state business license pursuant to this section shall post such license conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the license has expired or the person ceases to transact such business. Any person who fails to post or keep posted a license as required by this section is subject to a penalty of not more than ~~the \$250~~ \$50 to be imposed by the Secretary of State.*

7. *If the Secretary of State discovers that a person has violated the requirements of subsection 6, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.*

8. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

~~{6.}~~ 9. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

- (1) Chapter 82 or 84 of NRS; or
 - (2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).
- (b) Has an office or other base of operations in this State;

- (c) Has a registered agent in this State; or
- (d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

~~{7.}~~ **10.** As used in this section, “registered agent” has the meaning ascribed to it in NRS 77.230.

Sec. 4. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act, the Secretary of State shall assign a unique business identification number to each entity organized pursuant to title 7 of NRS or to any person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act.

Sec. 5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~{Each}~~ **Except as otherwise provided in this subsection, each** board of county commissioners shall submit to the Administrator of ~~{The state business portal established pursuant to NRS 75A.100 must make available to}~~ the Division of Industrial Relations of the Department of Business and Industry monthly a ~~{list}~~ **report** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. **A board of county commissioners is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.**

4. ~~[Upon receiving an affidavit or attestation required by subsection 1, the state business portal may provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.~~

~~5. Upon~~ Except as otherwise provided in subsection 5, upon receiving an affidavit or attestation required by this section, ~~subsection 2,~~ a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 6. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~{Each}~~ *Except as otherwise provided in this subsection, each city council or other governing body of an incorporated city shall submit to the Administrator of ~~{The state business portal established pursuant to NRS 75A.100 must make available to}~~ the Division of Industrial Relations of the Department of Business and Industry monthly a ~~{list}~~ report of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. A city council or other governing board of an incorporated city is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~{Upon receiving an affidavit or attestation required by subsection 1, the state business portal may provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.~~

~~5. Upon~~ *Except as otherwise provided in subsection 5, upon* receiving an affidavit ~~{or attestation}~~ required by this section, ~~{subsection 2,}~~ the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 7. NRS 364.110 is hereby amended to read as follows:

364.110 No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. *That the applicant or applicants ~~maintain~~ ;*

(a) Maintain an active state business license issued pursuant to chapter 76 of NRS ; or

(b) Have a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act; and ~~the~~

2. The business identification number assigned to the applicant or applicants by the Secretary of State pursuant to section 4 of this act.

~~2.3.~~ 3. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

~~{2.}~~ ~~3.4.~~ 4. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

Sec. 7.5. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~14~~; and

(f) The Secretary of State for the purpose of verifying that data submitted electronically via the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300 satisfies the requirements

established by the Division and, as necessary, for the purpose of maintaining the technical integrity and functionality of the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

➡ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any

person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 8. NRS 237.180 is hereby repealed.

Sec. 9. 1. ~~Notwithstanding the amendatory provisions of this act, a~~ **A** state or local agency or health district is ~~not~~ required to use the state business portal to ~~collect~~ **accept** common business registration information ~~for integrate into~~ **from** the state business portal as required by **subparagraph (2) of paragraph (a) of** subsection 3 of NRS 75A.100, as amended by section 1 of this act, ~~until~~ **on or before** January 1, 2014, unless the State Board of Examiners extends this deadline pursuant to subsection 2.

2. If a state or local agency or health district believes that it cannot comply with the ~~requirements of~~ **requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of** subsection 3 of NRS 75A.100, as amended by section 1 of this act, **on or** before January 1, 2014, the state or local agency or health district may submit to the State Board of Examiners a written request to extend the deadline which sets forth the reason for requesting the extension. Upon receipt of a written request to extend the deadline, the State Board of Examiners may extend the deadline set forth in subsection 1 as it deems necessary. The State Board of Examiners shall report to the Legislative Commission each deadline extension approved by the State Board of Examiners pursuant to this subsection.

3. If a state or local agency or health district complies with the requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, but believes that it cannot comply with any other requirement of subsection 3 of NRS 75A.100, as amended by section 1 of this act, the state or local agency or health district, with the assistance of the Secretary of State, shall submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation of the status of the integration of the state or local agency or health district into the state business portal which sets forth the reasons that the state or local agency or health district cannot timely comply with the other requirements of subsection 3 of NRS 75A.100 and, to the extent

practicable, a projected timeline for integration into the state business portal.

Sec. 10. 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. 11. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

237.180 Requirements; annual meeting to design and modify joint forms; report of annual meeting.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. On or before February 15 of each year, the Executive Director of the Department of Taxation shall submit a report to the Director of the Legislative Counsel Bureau for presentation to the Legislature. The report

must include a summary of the annual meeting held during the immediately preceding year and any recommendations for proposed legislation.

5. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

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

Amendment No. 225.

AN ACT relating to anatomical gifts; providing that an anatomical gift made by an unemancipated minor who is at least 16 years of age and possesses a driver's license or identification card cannot be revoked or amended by the minor's parent ~~or~~ or guardian under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an unemancipated minor may make an anatomical gift of his or her body or part thereof if he or she is authorized under state law to apply for a driver's license because he or she is at least 16 years of age. (NRS 451.556, 451.558) However, existing law also provides that if a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's (minor's) body or part. (NRS 451.562)

This bill creates an exception such that if a donor who is an unemancipated minor dies and at the time of his or her death the donor was at least 16 years of age and held a valid driver's license ~~or~~ or identification card, a parent or guardian of the donor is prohibited from revoking or amending an anatomical gift of the donor's (minor's) body or part ~~if the donor and a parent or guardian have both executed a form authorizing the anatomical gift.~~

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

Section 1. NRS 451.558 is hereby amended to read as follows:

451.558 1. A donor may make an anatomical gift:

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under NRS 451.556 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. *An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.*

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

~~4.~~ 5. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

~~Section 1.~~ Sec. 2. NRS 451.562 is hereby amended to read as follows:

451.562 1. ~~Except as otherwise provided in subsection 7 and subject to subsection 6~~ *Subject to the provisions of subsections 6 and 7*, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's

body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559.

2. A donor's revocation of an anatomical gift of the donor's body or part under NRS 451.559 is not a refusal and does not bar another person specified in NRS 451.556 or 451.566 from making an anatomical gift of the donor's body or part under NRS 451.558 or 451.568.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559, another person may not make, amend or revoke the gift of the donor's body or part under NRS 451.568.

4. A revocation of an anatomical gift of a donor's body or part under NRS 451.559 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under NRS 451.558 or 451.568.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part for one or more of the purposes set forth in NRS 451.556 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under NRS 451.558 or 451.568.

7. ~~[[*Except as otherwise provided in this subsection,*]] NRS 451.558, if a donor who is an unemancipated minor dies, a parent or guardian of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part. ~~[[*If a donor who is an unemancipated minor dies and the donor was at least 16 years of age and held a valid driver's license at the time of his or her death, a parent of the donor may not revoke or amend an anatomical gift of the donor's body or part.*]]~~~~

8. If an unemancipated minor who signed a refusal dies, a parent or guardian of the minor who is reasonably available may revoke the minor's refusal.

~~[[*Sec. 2.*]]~~ **Sec. 3.** This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 181.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) **Section 1** of this bill revises the requirements for such a preference in bidding by: (1) ~~increasing from 50 percent to 100 percent the percentage of workers employed on the public work that are required to hold a valid Nevada driver's license or identification card; (2) requiring that each worker and 50 percent of the design professionals working on the public work register in this State all vehicles owned by the worker or design professional for personal use and operated upon any highway in this State; and (3)~~ **limiting the requirement for design professionals to design-build teams; and (2)** eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. **Section 1** clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. **Section 1** requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. **Section 1** restricts who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work.

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with

certain requirements within the preceding year for a contract for a public work that cost more than \$25,000,000 ~~[(NRS 338.1379) Section 3 of this bill eliminates that provision.]~~

~~Existing law~~ and prohibits a contractor who has failed to comply with certain requirements for a contract for a public work which exceeds \$5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS ~~338.1379, 338.1382, 338.1389, Section 5, 338.1415, 338.147, 408.333~~) Sections 4-8 of this bill ~~[eliminates that prohibition.]~~ **instead condition those prohibitions on a material breach of a contract for a public work which exceeds \$25,000,000 or \$5,000,000, as applicable.**

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. Section 9 also declares that any contract for such a public work that fails to comply with this bill is void.

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

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[;]~~ ~~[, on average],~~ **collectively, and not on any specific day:**

(a) At least 50 percent of [all] the workers ~~[Each worker]~~ employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold ~~be~~

~~— (1) Hold~~ a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[;] of the State of Nevada; and~~

~~— (2) Register in this State all vehicles owned by the worker for personal use and operated upon any highway in this State;]~~

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~[At]~~ **If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50**

percent of the design professionals working on the public work, including, without limitation, ~~any~~ employees of the ~~contractor, applicant or~~ design-build team and of any subcontractor *or consultant* engaged ~~on~~ *in the design of* the public work, will have ~~not~~

~~—(1) Have~~ a valid driver's license or identification card issued by the Department of Motor Vehicles ~~of the State of Nevada; and~~

~~—(2) Register in this State all vehicles owned by the design professional for personal use and operated upon any highway in this State; and~~

(d) ~~At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~—(e)~~ The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work *that is* awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~and who receives~~ *as a result of the contractor, applicant or design-build team receiving* a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1 ~~is a material breach of the contract and~~ entitles the public body to ~~liquidated damages~~ *a penalty* only as provided in subsections 5 and 6.

3. A person ~~for entity~~ *who submitted a bid on the public work* ~~and~~ *or an entity* who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1 may file, *before the substantial completion of the public work*, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~(e)~~ (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required

proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1, ~~Liquidated damages]~~ **a penalty** as described in subsection 6 for ~~[a breach of a contract for a public work caused by]~~ a failure to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1. If a public body recovers ~~Liquidated damages]~~ **a penalty** pursuant to this subsection, ~~[for a breach of a contract for a public work,~~ the public body shall report to the State Contractors' Board the date of the ~~[breach,~~ **failure to comply**, the name of each entity which ~~[breached the contract]~~ **failed to comply** and the cost of the contract ~~[-]~~ **to which the entity that failed to comply was a party**. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~[-]~~ **as a result of that preference**, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor ~~[or supplier]~~ and each contract between a subcontractor and a **lower tier** subcontractor ~~[or supplier]~~ must provide that:

(a) If a party to the contract causes ~~[a material breach of the contract between]~~ the contractor, applicant or design-build team ~~[and the public body as a result of a failure]~~ **to fail** to comply with a requirement of paragraphs (a) to ~~[(e)]~~ (d), inclusive, of subsection 1, the party is liable to the public body for ~~Liquidated damages]~~ **a penalty** in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~[causes the material breach]~~ **caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1**; and

(c) No other party to the contract is liable to the public body for ~~liquidated damages.~~ **a penalty.**

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[(c),]~~ (d), inclusive, of subsection 1.

8. *As used in this section:*

(a) *“Lower tier subcontractor” means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.*

(b) *“Vehicle used primarily for the public work” does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:*

(1) Owned or operated by the contractor or any subcontractor ~~[-, or any employee thereof,]~~ who is engaged on the public work; and

(2) Present at the site of the public work.

~~Sec. 2. [NRS 338.070 is hereby amended to read as follows:~~

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 6, it is lawful for any contractor engaged on a public work to withhold from any subcontractor~~

~~engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor [engaged on] **awarded the contract for** a public work and each subcontractor engaged **by that contractor** on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~(4) The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~(1) The name of the worker;~~

~~(2) The driver's license number or identification card number of the worker; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~**➤ The provisions of this subsection do not apply to any contractor that was not awarded the contract for a public work.**~~

~~5. The records maintained pursuant to subsection 4 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 4 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 4 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work.~~

~~6. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by~~

~~the subcontractor pursuant to subsection 4 for a calendar month by the time specified in subsection 5 if:~~

~~— (a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~— (1) Ten days after the end of the month; or~~

~~— (2) A date agreed upon by the contractor and subcontractor; and~~

~~— (b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 5.~~

~~Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 5.~~

~~7. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.] (Deleted by amendment.)~~

~~Sec. 3. [NRS 338.1379 is hereby amended to read as follows:~~

~~338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.~~

~~2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:~~

~~— (a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and~~

~~— (b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.~~

~~3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.~~

~~4. The Division or the local government may determine an applicant is qualified to bid:~~

~~— (a) On a specific project; or~~

~~— (b) On more than one project over a period of time to be determined by the Division or the local government.~~

~~5. [Except as otherwise provided in subsection 8, the] *The* Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.~~

~~6. [Except as otherwise provided in subsection 8, the] *The* local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.~~

~~7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.~~

~~[8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, breached a contract for a public work for which the cost exceeds \$25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.] **(Deleted by amendment.)**~~

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, materially breached ~~[with regard to]~~ a contract for a public work for which the cost exceeds \$25,000,000, ~~[by failing]~~ ~~[, failed to comply with a requirement of paragraphs (a) to]~~ ~~[(e),]~~ ~~[(d), inclusive, of subsection 1 of NRS 338.0117,]~~ and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~has~~ **provides** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ **Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who :

(1) Does ~~does~~ not ~~have,~~ provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~;~~ or

(2) Does not submit, ~~at the time he or she submits the bid,~~ within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~(e),~~ (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works :

(a) Submits ~~submits~~ false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~or~~ ; or

(b) Is found by the Board to have, within the preceding 5 years, **materially** breached a contract for a public work for which the cost exceeds \$5,000,000, ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,]~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~be deemed the best bid~~ **receive a preference in bidding** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity ***who submitted a bid on the public work and*** who believes that ~~that~~ ***the contractor who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, **materially breached** ~~with regard to~~ a contract for a public work for which the cost exceeds \$25,000,000 ~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized

representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~has~~ **provides** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ **Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~have,~~ **provide,** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ **within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ **(d),** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➤ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached ~~with regard to~~ a contract for a public work for which the cost exceeds \$5,000,000, ~~by failing~~ ~~to comply with a requirement of paragraphs (a) to (c), inclusive, of subsection 1 of NRS 338.0117,~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public

work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~be deemed a best bid~~ receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who submitted a bid on the public work and who believes that ~~that~~ the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to

questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, materially breached ~~with regard to~~ a contract for a public work for which the cost exceeds \$25,000,000, ~~by failing~~ ~~failed to comply with a requirement of paragraphs (a) to~~ ~~[(c),~~ ~~[(d), inclusive, of subsection 1 of NRS 338.0117,~~ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

↪ is void.

3. As used in this section, “contract” and “public work” have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 221.

Bill read second time.

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

Amendment No. 226.

AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to issue a request for information to determine the availability, cost and appropriateness of certain measures to revise the manner in which payments are reviewed and made to providers under Medicaid and the Children’s Health Insurance Program; requiring the Director to ~~enter into any appropriate contracts;~~ **submit a report of the responses to the Legislative Committee on Health Care;** and providing other matters properly related thereto.

Legislative Counsel’s Digest:

Under existing law, Medicaid and the Children’s Health Insurance Program are administered by the Department of Health and Human Services. (NRS 422.270) This bill requires the Director of the Department to issue a request for information to determine the availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children’s Health Insurance Program. The request issued by the Director is specifically required to seek information on strategies for determining the validity of claims for payment for services to recipients of Medicaid or the Children’s Health Insurance Program before payments are sent to reimburse providers. This bill also requires the Director to review the responses to the request for information to determine measures that may be taken to reduce waste, fraud and abuse under Medicaid and the Children’s Health Insurance Program and to ~~enter~~

~~into appropriate contracts to carry out those measures.]~~ **submit a report of the responses to the Legislative Committee on Health Care.**

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

Section 1. 1. On or before ~~[September 1, 2013,]~~ **January 1, 2014**, the Director of the Department of Health and Human Services or his or her designee shall issue a request for information to determine the availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children's Health Insurance Program. The request must seek information concerning strategies for determining the validity of claims for payment for services to recipients of Medicaid or the Children's Health Insurance Program before such payments are sent to reimburse providers.

2. The request issued pursuant to subsection 1 must seek information concerning technology that is capable of being integrated into the existing system that is used to evaluate claims for payment of services provided to recipients of Medicaid and the Children's Health Insurance Program. The information must inform the Department whether the technology will provide the ability for the Department to make predictions about and analyze data before payments are made for such claims for payment, including, without limitation, the ability to:

(a) Automatically analyze billing or utilization patterns by providers and recipients of Medicaid and the Children's Health Insurance Program to identify possible waste, fraud and abuse;

(b) Identify specific transactions to be subject to additional review based on the likelihood of potential waste, fraud or abuse and, to the extent possible, automatically identify and authorize payment for transactions that are not wasteful, fraudulent or abusive;

(c) Prevent the payment of claims for services that have been identified as potentially wasteful, fraudulent or abusive until the claims have been confirmed as valid; and

(d) Collect and analyze information regarding the outcomes of appeals conducted pursuant to NRS 422.276 regarding denials of claims for payment of services to determine whether better predictions and analysis may be achieved.

3. The request issued pursuant to subsection 1 must seek information concerning technology that is capable of verifying data regarding providers for and recipients of Medicaid and the Children's Health Insurance Program using publicly available records. The information must inform the Department whether such technology may be used to automate the review of

transactions with those programs and to identify and prevent wasteful, fraudulent and abusive payments by identifying:

(a) Associations between providers, practitioners and recipients which indicate that any of those persons are acting in collusion with each other to engage in fraudulent practices; and

(b) Potential factors that would disqualify a person from eligibility for Medicaid or the Children's Health Insurance Program, which may include, without limitation, death, residence outside this State, ownership of too many assets and incarceration.

4. The request issued pursuant to subsection 1 must seek information concerning other fraud investigation services that combine a retrospective analysis of claims for payment of services under Medicaid and the Children's Health Insurance Program and prospective detection of waste, fraud and abuse. The information must inform the Department whether such services are available to:

(a) Analyze historical data regarding claims for payment of services and medical records;

(b) Analyze databases of information regarding providers suspected of submitting fraudulent claims for payment and of interviews with providers and recipients of Medicaid and the Children's Health Insurance Program; and

(c) Provide an opportunity for providers to review and correct any problems which are identified and place an emphasis on educating providers.

5. The Director shall review the responses to the request for information issued pursuant to this section to determine measures that may be taken to reduce waste, fraud and abuse under Medicaid and the Children's Health Insurance Program by allowing determinations to be made about claims for reimbursement before payments are made. The Director shall ~~enter into any appropriate contracts to carry out those measures within the existing budget of the Department or using any savings resulting from such measures. Any such measures must not delay or deny payments to providers.~~ **submit a report of the responses to the Legislative Committee on Health Care. The Legislative Committee on Health Care shall consider the report and make any appropriate recommendations to the Department, including whether the Committee supports the Department entering into any contracts to carry out measures identified in the report.**

6. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(c) “Provider” means a person or governmental entity who provides services to a recipient of Medicaid or the Children’s Health Insurance Program for remuneration.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 239.

Bill read second time and ordered to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time and ordered to third reading.

Assembly Bill No. 281.

Bill read second time and ordered to third reading.

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

Assembly Bill No. 294.

Bill read second time.

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

Amendment No. 182.

AN ACT relating to economic development; requiring the submission of certain reports concerning local emerging small businesses to the Office of Economic Development; increasing the threshold for requiring formal contracts for certain purchases by the State; providing for the certification of local emerging small businesses by the Office; requiring the Office to establish goals for the participation of local emerging small businesses in certain contracts relating to purchasing and public works projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Office of Economic Development within the Office of the Governor to coordinate and oversee economic development

programs in this State. (NRS 231.043, 231.055) **Sections 11-14** of this bill: (1) provide for the certification of eligible local emerging small businesses by the Office; (2) require the Office to post a list of the certified local emerging small businesses on its Internet website; and (3) require the Office to adopt regulations, including regulations relating to the application form and procedure for that certification. Further, **sections 15 and 16** of this bill require the Office to establish: (1) an outreach program for local emerging small businesses ~~and~~ **to connect those businesses with** state agencies seeking state purchasing contracts and contracts for public works of this State; and (2) goals concerning the participation of local emerging small businesses in those contracts.

Sections 1, 2 and 5 of this bill require local governments in counties whose population is 100,000 or more (currently Clark and Washoe Counties), the Purchasing Division and the State Public Works Division, both of the Department of Administration, to submit reports twice each year to the Office concerning the participation of local emerging small businesses in certain contracts. **Section 17** of this bill requires the Office to submit a report once each year to the Governor and the Legislature or the Interim Finance Committee concerning: (1) whether the goals for participation of the local emerging small businesses in certain contracts are being met and, if not, what efforts the Purchasing Division and State Public Works Division are undertaking to meet the goals; and (2) certain other information relating to the local emerging small businesses that have been certified by the Office.

Finally, **section 4** of this bill raises the threshold for requiring formal contracts for certain purchases by the State from \$25,000 to \$50,000 ~~and~~ **authorizes the Administrator of the Purchasing Division to solicit the purchase of materials, supplies and equipment having estimated costs of \$50,000 or less under certain circumstances.**

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body or its authorized representative in a county whose population is 100,000 or more shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the governing body or its authorized representative solicited to submit a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

~~##(b)##~~ *(c) The number of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses;*

~~##(c)##~~ *(d) The total number of dollars' worth of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses; and*

~~##(d)##~~ *(e) Any other information deemed relevant by the Office.*

2. The report required pursuant to subsection 1 must be submitted within ~~15~~ 90 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in section 8 of this act.

(b) "Local purchasing contract" means a contract awarded pursuant to the provisions of this chapter ~~1~~ for which the estimated cost is \$50,000 or less. The term does not include a contract for which a procurement card is used.

(c) "Office" means the Office of Economic Development.

(d) "Procurement card" means a charge card issued to a governing body or its authorized representative for the purpose of purchasing goods and services pursuant to the provisions of this chapter.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Purchasing Division shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the Purchasing Division solicited to submit a bid or proposal to the Purchasing Division on a state purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal on a state purchasing contract;

~~##(b)##~~ *(c) The number of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;*

~~##(c)##~~ *(d) The total number of dollars' worth of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;*

~~##(d)##~~ *(e) Whether each goal established by the Office pursuant to section 16 of this act has been achieved;*

~~((e))~~ (f) For each goal established by the Office pursuant to section 16 of this act that has not been achieved, information on all efforts undertaken by the Purchasing Division to achieve the goals in the current fiscal year and a proposed plan for achieving the goals in the subsequent fiscal year; and

~~((f))~~ (g) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within ~~15~~ 30 days after:

- (a) The end of each fiscal year; and
- (b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in section 8 of this act.

(b) "Office" means the Office of Economic Development.

~~((c))~~ "State purchasing contract" means a contract awarded pursuant to the provisions of subsection 3 of NRS 333.300.

Sec. 3. ~~[NRS 333.020 is hereby amended to read as follows:]~~

~~333.020 As used in this chapter, unless the context otherwise requires:~~

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

~~2. "Best value" means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.~~

~~3. "Director" means the Director of the Department of Administration.~~

~~4. "Invitation to bid" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~5. "Proprietary information" means:~~

~~(a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or~~

~~(b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.~~

~~As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.~~

~~6. "Purchasing Division" means the Purchasing Division of the Department of Administration.~~

~~7. "Purchasing officer" means a person who is authorized by the Administrator or a using agency to participate in:~~

~~(a) The evaluation of bids or proposals for a contract;~~

~~(b) Any negotiations concerning a contract; or~~

~~— (e) The development, review or approval of a contract.~~

~~— 8. “Request for proposals” means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~— 9. “State purchasing contract” means a contract awarded pursuant to the provisions of this chapter.~~

~~— 10. “Trade secret” has the meaning ascribed to it in NRS 600A.030.~~

~~— [10.] 11. “Using agencies” means all officers, departments, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and Industry, local governments as defined in NRS 354.474, conservation districts, irrigation districts and the Nevada System of Higher Education.~~

~~— [11.] 12. “Volunteer fire department” means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.] (Deleted by amendment.)~~

Sec. 3.5. NRS 333.280 is hereby amended to read as follows:

333.280 1. Except as otherwise provided in this subsection, the Administrator may enter into a contract using a standard form of contract, by **solicitation in accordance with the provisions of NRS 333.300 or by advertising in accordance with the provisions of NRS 333.310**, for the furnishing of supplies, materials and equipment for not more than 2 years. If an extended contractual period is necessary to promote the use of a manufacturing process which emphasizes the efficient use of energy or to promote the manufacture of products which use recycled materials, the Administrator may enter into such a contract for not more than 3 years.

2. The original terms of a contract may be extended annually thereafter if the conditions for extension are specified in the original solicitation, and the Administrator determines that an extension is in the best interest of the State.

Sec. 4. NRS 333.300 is hereby amended to read as follows:

333.300 1. Except as otherwise provided in NRS 333.375, the Administrator shall give reasonable notice, by advertising and by written notice provided to persons in a position to furnish the classes of commodities involved, as shown by its records, of all proposed purchases of supplies, materials and equipment to be purchased in accordance with a schedule prepared in conformity with the provisions of NRS 333.250.

2. All such materials, supplies and equipment, except as otherwise provided in this section, if the estimated cost thereof exceeds ~~[\$25,000.]~~

\$50,000, must be purchased by formal contract from the lowest responsible bidder after notice inviting the submission of sealed proposals to the Administrator of the Purchasing Division at the date, hour and location set forth in the proposal, and at that date, hour and location the proposals must be publicly opened. The Purchasing Division may reject any or all proposals, or may accept the proposal determined best for the interest of the State. The notice must be published as prescribed in NRS 333.310.

3. *The Administrator may solicit the purchase of materials, supplies and equipment, if the estimated cost thereof is \$50,000 or less, by written contract from the lowest responsible bidder if notice of the proposed purchase is provided to:*

(a) At least three persons in a position to furnish the materials, supplies or equipment; and

(b) The Office of Economic Development.

4. In case of emergencies caused by acts of God or the national defense or other unforeseeable circumstances, the provisions for advertisements on competitive bids may be waived by the Administrator, but every effort must be made to secure the maximum competitive bidding under the circumstances. In no case may contracts be awarded until every possible effort has been made to secure at least three bona fide competitive bids.

~~4.1~~ 5. In awarding contracts for the purchase of supplies, materials and equipment, if two or more lowest bids are identical, the Administrator shall:

(a) If the lowest bids are by bidders resident in the State of Nevada, accept the proposal which, in the discretion of the Administrator, is in the best interests of this State.

(b) If the lowest bids are by bidders resident outside the State of Nevada:

(1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or

(2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in the State of Nevada.

Sec. 5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:*

(a) The number of local emerging small businesses that the Division solicited to submit a bid or proposal on a contract for a public work in this State;

(b) The number of local emerging small businesses that submitted a bid or proposal on a contract for a public work in this State;

~~++(b)~~ *(c) The number of contracts for public works of this State that were awarded by the Division to local emerging small businesses;*

~~[(c)]~~ (d) *The total number of dollars' worth of contracts for public works of this State that were awarded by the Division to local emerging small businesses;*

~~[(d)]~~ (e) *Whether each goal established by the Office pursuant to section 16 of this act has been achieved;*

~~[(e)]~~ (f) *For each goal established by the Office pursuant to section 16 of this act that has not been achieved, information on all efforts undertaken by the Division to achieve the goals in the current fiscal year and a proposed plan for achieving the goals in the subsequent fiscal year; and*

~~[(f)]~~ (g) *Any other information deemed relevant by the Office.*

2. *The reports required pursuant to subsection 1 must be submitted within ~~15~~ 30 days after:*

(a) *The end of each fiscal year; and*

(b) *The end of each calendar year.*

3. *As used in this section:*

(a) *“Local emerging small business” has the meaning ascribed to it in section 8 of this act.*

(b) *“Office” means the Office of Economic Development.*

Sec. 6. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 17, inclusive, of this act.

Sec. 7. *As used in sections 7 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.*

Sec. 8. *“Local emerging small business” means a business that has been certified by the Office pursuant to section 12 of this act.*

Sec. 9. *“Local purchasing contract” has the meaning ascribed to it in section 1 of this act.*

Sec. 10. *“State purchasing contract” has the meaning ascribed to it in ~~[NRS 333.020]~~ section 2 of this act.*

Sec. 11. 1. *To be eligible for certification as a local emerging small business, a business must:*

(a) *Be in existence, operational and operated for a profit;*

(b) *Maintain its principal place of business in this State;*

(c) *Be in compliance with all applicable licensing and registration requirements in this State;*

(d) *Not be a subsidiary or parent company belonging to a group of firms that are owned or controlled by the same persons if, in the aggregate, the group of firms does not qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm; and*

(e) *Qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm.*

2. To be designated a tier 1 firm, a business must not employ more than 20 full-time or full-time equivalent employees and:

(a) If the business is involved in ~~the performance of contracts on public works,~~ providing construction services, the average annual gross receipts for the business must not exceed \$1.7 million for the 3 years immediately preceding the date of application for certification as a local emerging small business; or

(b) If the business is involved in ~~state or local purchasing,~~ the sale of goods or in providing services other than construction services, the average annual gross receipts for the business must not exceed \$700,000 for the 3 years immediately preceding the date of application for certification as a local emerging small business.

3. To be designated a tier 2 firm, a business must not employ more than 30 full-time or full-time equivalent employees and:

(a) If the business is involved in ~~the performance of contracts on public works,~~ providing construction services, the average annual gross receipts for the business must not exceed \$3.5 million for the 3 years immediately preceding the date of application for certification as a local emerging small business; or

(b) If the business is involved in ~~state or local purchasing,~~ the sale of goods or in providing services other than construction services, the average annual gross receipts for the business must not exceed \$1.3 million for the 3 years immediately preceding the date of application for certification as a local emerging small business.

4. In determining if a business qualifies for a designation as a tier 1 firm or a tier 2 firm pursuant to subsection 2 or 3, the Office shall use the criteria set forth in section 13 of this act to determine whether an employee is a full-time equivalent employee for the purposes of such a designation.

~~5. The monetary amounts set forth in subsections 2 and 3 must be adjusted for each fiscal year that begins on or after July 1, 2015, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index for All Urban Consumers (All Items) between the calendar year ending on December 31, 2013, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Office shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its Internet website or otherwise make that information available to applicants for certification as local emerging small businesses.~~

Sec. 12. 1. A business may apply, on a form prescribed by regulation of the Office, to the Office for certification as a local emerging small business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria

set forth in section 11 of this act and any regulations adopted pursuant to section 14 of this act.

2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, section ~~16~~ 11 of this act and any regulations adopted pursuant to section 14 of this act, the Office shall certify the business as a local emerging small business.

3. The Office shall compile a list of the local emerging small businesses certified pursuant to this section and post the list on its Internet website.

Sec. 13. To determine whether an employee is a full-time equivalent employee pursuant to section 11 of this act:

1. An owner of a business applying for certification as a local emerging small business must not be considered a full-time equivalent employee;

2. The period during which the full-time equivalency of an employee is determined must be based on the same period as the tax year for the business applying for certification as a local emerging small business; and

3. The hours worked by part-time and seasonal employees must be converted into full-time equivalent hours by dividing by 2,080 the total hours worked for the business applying for certification by all part-time and seasonal employees.

Sec. 14. 1. The Office shall adopt regulations prescribing:

(a) The application form and procedure for certification as a local emerging small business; and

(b) The forms for the reports required pursuant to sections 1, 2 and 5 of this act.

2. The Office may adopt regulations to carry out the provisions of sections 7 to 17, inclusive, of this act.

Sec. 15. 1. The Office shall, in consultation with the Department of Business and Industry, establish an outreach program for local emerging small businesses ~~and~~ to connect those businesses with state agencies seeking state purchasing contracts and contracts for public works of this State. To the extent practicable, such an outreach program must include private contractors ~~to~~ to increase the awareness of those private contractors of the option of using local emerging small businesses to fulfill the contract needs of the private contractors.

2. The Office shall encourage the Purchasing Division of the Department of Administration and the State Public Works Division of the Department of Administration to:

(a) Use the list of the local emerging small businesses compiled by the Office pursuant to section 12 of this act; and

(b) Develop outreach programs for local emerging small businesses.

Sec. 16. 1. The Office shall establish goals for:

(a) *The submission of bids or proposals by local emerging small businesses for state purchasing contracts ~~for which the estimated cost is \$50,000 or less~~ and for the awarding of those contracts to local emerging small businesses; and*

(b) *The submission of bids or proposals by local emerging small businesses for contracts for public works of this State for which the estimated cost is less than \$100,000 and for the awarding of those contracts to local emerging small businesses.*

2. *The Office shall encourage:*

(a) *Local governments to award local purchasing contracts and contracts for public works of the local government to local emerging small businesses;*

(b) *Local governments to establish goals for the awarding of local purchasing contracts and contracts for public works of the local government to local emerging small businesses; and*

(c) *Each local government in a county whose population is less than 100,000 to submit reports to the Office that are similar in nature and frequency to the reports required pursuant to section 1 of this act.*

3. *The Office, in cooperation with the Office of the Governor, shall establish an annual recognition program for the state agencies that meet the goals established pursuant to subsection 1.*

Sec. 17. *On or before September 15 of each year, the Office shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, for the fiscal year immediately preceding the submission of the report:*

1. *A summary of the information submitted to the Office pursuant to sections 1, 2 and 5 and, if applicable, paragraph (c) of subsection 2 of section 16 of this act, including, without limitation, efforts undertaken to achieve any goals established by the Office which were not achieved in the current fiscal year and proposed action plans for achieving those goals in the subsequent fiscal year; and*

2. *The number of local emerging small businesses which are designated as tier 1 firms and tier 2 firms pursuant to section 11 of this act. The numbers must be reported separately for businesses involved in ~~the performance of public works~~ providing construction services and for businesses involved in ~~state or local purchasing~~ the sale of goods or in providing services other than construction services.*

Sec. 18. ~~[NRS 333.2364 is hereby repealed.] (Deleted by amendment.)~~

Sec. 19. 1. The initial reports required pursuant sections 1, 2 and 5 of this act must include information for the period which begins on January 1, 2014, and ends on June 30, 2014.

2. Notwithstanding the provisions of section 17 of this act, the initial report required pursuant to that section must include information for the period which begins on January 1, 2014, and ends on June 30, 2014.

Sec. 20. This act becomes effective:

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

2. On January 1, 2014, for all other purposes.

†

~~TEXT OF REPEALED SECTION~~

~~333.3364 Preference for bid or proposal submitted by local business owned by veteran with service connected disability: "State purchasing contract" defined. "State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.]~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 337.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time and ordered to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

Assembly Bill No. 393.

Bill read second time.

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

Amendment No. 300.

AN ACT relating to children; expanding the rights of children placed in foster care with respect to their siblings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law affords specific rights to children who are placed in a foster home by an agency which provides child welfare services. (NRS 432.500-432.550) ~~[This bill expands those rights with respect to relationships between siblings of children placed in foster care.]~~ **Existing law provides a right to a child placed in a foster home to contact and visit his or her siblings, unless prohibited from doing so by court order. (NRS 432.525) Section 1 of this bill provides [a] that this right [to a child placed in a foster home,] does not apply if such contact is contrary to the safety of the child or his or her siblings. Section 1 also adds, to the extent practicable, the right for such a child to have contact with his or her siblings arranged on a regular basis and on holidays, birthdays and other significant life events. Section 1 further provides that such a child has the right not to have contact or visitation with a sibling withheld as a form of punishment. Section 2 of this bill provides a child who is placed in a foster home with the right , consistent with the age and developmental experience of the child, to be informed of a plan to change, or a change in, the placement of a sibling who is placed in a foster home [.] unless the sibling objects or such notification is prohibited by court order.**

WHEREAS, The importance of sibling relationships is widely recognized; and

WHEREAS, Siblings share similar history, heritage and culture which is important to preserve; and

WHEREAS, Separation from siblings is a significant and distinct loss, and the effect of that loss can be lessened by frequent contact between siblings; and

WHEREAS, Maintaining sibling relationships fosters a sense of continuity and stability for children placed in foster care; and

WHEREAS, Every foster child deserves to know and be actively involved in the lives of his or her siblings, absent extraordinary circumstances; now, therefore,

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

Section 1. NRS 432.525 is hereby amended to read as follows:

432.525 A child placed in a foster home by an agency which provides child welfare services has the right:

1. To receive information concerning his or her rights set forth in this section and NRS 432.530 and 432.535.
2. To be treated with dignity and respect.
3. To fair and equal access to services, placement, care, treatment and benefits.
4. To receive adequate, healthy, appropriate and accessible food.
5. To receive adequate, appropriate and accessible clothing and shelter.
6. To receive appropriate medical care, including, without limitation:
 - (a) Dental, vision and mental health services;
 - (b) Medical and psychological screening, assessment and testing; and
 - (c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.
7. To be free from:
 - (a) Abuse or neglect, as defined in NRS 432B.020;
 - (b) Corporal punishment, as defined in NRS 388.5225;
 - (c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;
 - (d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and
 - (e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.
8. To attend religious services of his or her choice or to refuse to attend religious services.
9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.
10. Except as otherwise prohibited by the agency which provides child welfare services:
 - (a) To send and receive unopened mail; and
 - (b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.
11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.
12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to NRS 432.550 without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order ~~for~~ and to the extent practicable, to contact and visit his or her siblings ~~for~~ , including siblings who have not been placed in foster homes and for, to the extent practicable, to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events for, unless such contact is contrary to the safety of the child or his or her siblings.

13. Not to have contact or visitation with a sibling withheld as a form of punishment.

Sec. 2. NRS 432.530 is hereby amended to read as follows:

432.530 With respect to the placement of a child in a foster home by an agency which provides child welfare services, the child has the right:

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home ~~for, to the extent practicable, to be placed in close proximity to his or her siblings to facilitate frequent contact.~~

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

4. ~~[To]~~ Consistent with the age and developmental experience of the child, except as otherwise prohibited by court order or unless the sibling objects, to be informed of any plan to change, or change in, the placement of a sibling, including, without limitation, a plan;

(a) A plan adopted pursuant to NRS 432B.553 for the permanent placement of the sibling; and

(b) Any plan to change the placement of, or a change in the placement of, a sibling resulting from adoption, reaching the age of 18 years or otherwise leaving a foster home.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time and ordered to third reading.

Assembly Bill No. 422.

Bill read second time and ordered to third reading.

Assembly Bill No. 426.

Bill read second time and ordered to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 432.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 454.

Bill read second time and ordered to third reading.

Assembly Bill No. 466.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 495.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Senate Bill No. 139.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Resolution read second time.

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

Amendment No. 96.

JOINT ~~[SPONSOR: ASSEMBLYMAN]~~ SPONSORS: ASSEMBLYMEN Hardy

AND OHRENSCHALL

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, Ecumenical Patriarch Bartholomew, the See leader, cosponsored the Conference on Peace and Tolerance in 1994 and 2005, fostering an interfaith dialogue among Christian, Jewish and Muslim religious leaders to help end regional ethnic conflicts; and

WHEREAS, In 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

WHEREAS, Since 1453, the presence of the Ecumenical Patriarchate as international head of the Greek Orthodox Church in Turkey testifies to religious coexistence; and

WHEREAS, The Turkish Government has limited those able to hold the office of Ecumenical Patriarch to Turkish nationals, threatening the viability of succession; and

Whereas, The Turkish Government confiscated a large percentage of the Ecumenical Patriarchate's and the Greek community's properties, placed a

high tax on one of the Patriarchate's charity hospitals, the Baloukli Hospital and Home for the Aged, and closed the Theological School of Halki in 1971, impeding Orthodox clergy training; and

WHEREAS, The European Council is involved in ongoing accession negotiations with Turkey, and the Turkish Government's current treatment of the Ecumenical Patriarchate is inconsistent with the defined membership criteria for accession to the European Union; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature do hereby urge the Government of Turkey to uphold and safeguard religious and human rights without compromise, to grant the Ecumenical Patriarch appropriate international recognition, including ecclesiastic succession and the right to train clergy of all nationalities, and to respect the human rights and property rights of the Ecumenical Patriarchate, including cessation of discrimination; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 31, 74, 138, 139, and 294 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 46, 76, 239, 276, 290, 344, 362, 419, 422, 428, 454, 466; Assembly Joint Resolution No. 8 be taken from the General File and rereferred to the Committee on Ways and Means.

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

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Frierson moved that Assembly Bills Nos. 60, 135, 300, and 377 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 1:15 p.m.

Motion carried.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 1:32 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 2 makes various changes to provisions governing the Land Use Planning Advisory Council. It specifies that the Governor's appointments to the Council will represent each county based on nominations provided by the boards of county commissioners of the counties. In addition to 17 voting members appointed by the Governor, the bill provides that one nonvoting member will be appointed to the Council by the Nevada Association of Counties. The bill further provides that Council members who are also county commissioners may be appointed by the Governor to one other board, commission, or similar body.

Roll call on Assembly Bill No. 2:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 2 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 13 requires the Local Government Employee-Management Relations Board to conduct a hearing within 180 days after the Board decides to hear a complaint.

Roll call on Assembly Bill No. 13:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 14 revises various provisions governing persons who are engaged in the sale of vehicles. Specifically, the bill provides that a licensed and bonded dealer, lessor, or rebuilder is responsible for notifying the Department of Motor Vehicles within ten days of either commencing or ceasing an employment relationship with a person who was hired as a salesperson. Upon cessation of an employment relationship, a dealer must, by the end of the next business day after the employment ceases, return to the salesperson his or her license.

Roll call on Assembly Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 14 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 16 creates the State Administrative Manual in statute. The measure establishes certain procedural requirements to be met by the Director or the Chief of the Budget Division, Department of Administration, as applicable, in connection with the adoption, amendment, or repeal of policies and procedures to be compiled and published in the SAM—State Administrative Manual.

Roll call on Assembly Bill No. 16:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 16 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 19 abolishes the State Advisory Board of Trustees for the Trust Relating to the Fairground and transfers the duties of that Board to the Nevada Junior Livestock Show Board. The bill also adds a representative from the Reno Rodeo Association to the Nevada Junior Livestock Show Board.

Roll call on Assembly Bill No. 19:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 19 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 22 allows the Administrator of the Manufactured Housing Division to waive the continuing education requirement for a specialty serviceperson if that serviceperson holds a license issued by the State Contractors' Board and such a waiver would be in the state's best interest.

Roll call on Assembly Bill No. 22:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 22 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Assembly Bill 30 specifies that the community notification website maintained by the Central Repository of Criminal Records is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. This measure also removes the

requirement that the Central Repository of Criminal Records maintain a log of requests for information from the website, and it provides that the contents of a record of registration are confidential and not subject to inspection by the general public.

Roll call on Assembly Bill No. 30:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 39 limits the sale or transfer of certain materials that can be used to manufacture methamphetamine to 9 grams to the same person within a 30-day period. The bill requires the Board of Pharmacy to approve a real-time, stop sale system, if one is available, for use by pharmacies in this state to limit sales of these chemicals. After approval, a pharmacy will be required to use the system and will be prohibited from completing a sale or transfer if the system alerts that the transaction would be in violation of the law.

Roll call on Assembly Bill No. 39:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim notification system in order to provide required notice when an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing, or the Board makes a final decision on the parole of an offender.

Roll call on Assembly Bill No. 40:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 40 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 45 eliminates the requirement that the Administrator of the State Library and Archives, Department of Administration, must maintain custody of the description of the State Seal and other such seals and expired official bonds approved by the Governor. The measure expands the inspection authority of the Administrator to include confidential or privileged information, with certain requirements, in records in the custody of state or local governmental agencies and prohibits the Administrator from disclosing any such confidential or privileged information. The Division of State Library and Archives is authorized to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of state government, upon request.

Finally, A.B. 45 eliminates certain duplicative provisions found in state law.

Roll call on Assembly Bill No. 45:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 45 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 55 imposes enhanced penalties for attempting or conspiring to commit embezzlement or obtain money or property of a value of \$650 or more by false pretenses against a person who is 60 years of age or older or a vulnerable person.

Roll call on Assembly Bill No. 55:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 55 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 66, in its first reprint, eliminates the requirement that the State Board of Equalization provide notice by registered or certified mail to persons whose assessed valuation may increase as a result of a broad equalization action by the State Board. The State Board must still provide notice to the taxpayers who may be affected by these actions by first-class mail. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 66:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 66 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 69 adds a requirement that proposed crematories in an incorporated city with a population of 60,000 or more, or unincorporated towns adjacent to such cities, must be located in zones for mixed, commercial, or industrial use and be at least 1,500 feet from any residential use zone.

As I said in committee, I am dying to speak about this heated topic. I know many of you may have questions, but I can assure you that I would not be speaking about this if it were not a burning issue in my district. I'm sure the white flags are flying already, so I will end my remarks before they become too well done. I urge your support so that we can lay this issue to rest, so it doesn't return session after session or become resurrected this session as a zombie bill.

Roll call on Assembly Bill No. 69:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 69 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblymen Aizley, Hickey, Livermore, Bustamante Adams, and Carlton.

ASSEMBLYMAN AIZLEY:

Assembly Bill 75 allows the county assessor in each of Nevada's counties the option of publishing the list of taxpayers and assessed valuations on an Internet website maintained by the county or the county assessor or publish the list in the newspaper.

If the assessor elects to publish this list on the website, he or she must provide notice through a newspaper advertisement to inform the public that the list has been made available on the

Internet. The assessor must also provide information about the availability of the list on the annual assessed value notice that is sent out to taxpayers on or before December 18 of each year.

Finally, in counties whose population is less than 100,000, the county assessor must also print at least ten copies of the notice that are available to the general public upon request. Collectively, passing this bill will save the counties more than \$1 million. In these days of waste, fraud, and abuse, it seems that it should be the thing to do to save, and not to waste, this money. We have an option of publishing in a newspaper at a cost of more than a million dollars or on the web for practically nothing. Environmentally, we will save millions of pages of newspaper and ink being buried in the local landfills. I think that it is necessary at this time to pass this bill. Thank you.

ASSEMBLYMAN HICKEY:

I rise in opposition to A.B. 75. When I first heard this very meritorious bill in committee, I saw it as a cost saving measure, as noted by its sponsor. It was on that basis that I voted for the bill. I failed to look, though, at the amendment brought by the counties that was added to the bill, and therefore I have changed my mind because, briefly, studies have shown that at least one-third of Nevadans don't have a computer or access to one. The people shut out will tend to be seniors on fixed incomes, minorities, and especially rural residents, where Internet access, like cell phones, can be spotty at best. In those communities, the local newspaper is the major media. The published tax rolls are much more widely read and used in the rural counties of the state and by their senior population. That is where they have always read the tax rolls, and that is where they want to find them. For that reason, I will be voting against A.B. 75.

ASSEMBLYMAN LIVERMORE:

I also rise in opposition of A.B. 75. I guess I am a traditionalist. I am 72 years of age, and I have gotten my tax rolls with my information from the newspaper. It is very reliable, it is very available to me, and as I think my colleague from Reno said, a third of Nevadans, especially senior citizens, do not have the Internet. This will not help them in any regards to receive notice of what their assessed values are.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of A.B. 75. During our testimony in Taxation, the rurals were actually the ones that came forth and asked to be included in this bill, because originally, they were not. They face similar issues of having voluminous amounts of paper, so they just want the option to be able to use the Internet to provide this information to their consumers. In addition, it gives the option to also provide it in the newspaper, so it doesn't totally delete it. It gives them the option to put it on their website, through the Internet, and through the papers. Also, for the rural counties, the assessor must make ten copies of the list available to the public for free during normal business hours for 60 days. And as I said, they must publish it twice in the newspapers, so it is not a total elimination, and the rurals asked to be included.

ASSEMBLYWOMAN CARLTON:

I rise in support of A.B. 75. This large newspaper is wrapped in plastic and dropped on your driveway at the very beginning of the year, and only goes to subscribers. Therefore, it has a limited reach to a lot of folks. This bill will allow more people to get more information and will make it more accessible so I stand in support of Assembly Bill 75.

Roll call on Assembly Bill No. 75:

YEAS—36.

NAYS—Ellison, Fiore, Hickey, Livermore—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 75 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 79 establishes the Nevada Early Childhood Advisory Council by the Governor. Membership of the Council is appointed by the Governor and consists of representatives as required by federal law, plus representatives from nonprofit organizations located in southern and northern Nevada that provide early childhood education programs.

Among other things, the Council is required to strengthen state-level coordination of early childhood education programs among various sectors, conduct periodic statewide needs assessments, and assess effectiveness of higher education institutions related to early childhood educators. The Council also develops recommendations for increasing student participation, developing core elements and standards, establishing statewide professional development for teachers, and increasing parental involvement.

This is a continuation of an entity that was previously created by Executive Order. We appreciate the partnership and all the work that everyone puts into early childhood education in the state.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 82 prohibits a party from presenting evidence of a child's previous sexual conduct to challenge the child's credibility unless the attorney for the child or the district attorney have first presented evidence.

Assembly Bill 82 simply applies the rape shield law that currently is applied to adults in court, to children so that children victims get the same protection that adults do.

Roll call on Assembly Bill No. 82:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 82 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 84 requires a district court in a county whose population is 700,000 or more to establish, to the extent funds are available, a program for the treatment of veterans and members of the military, to which it may assign a defendant who suffers from alcohol or drug abuse, mental illness, or posttraumatic stress disorder. The bill also requires a district court, in determining whether a defendant is disqualified from participation in such a program for committing an offense involving the use or threatened use of force or violence, to consider the facts and circumstances surrounding the offense, including whether the defendant intended to place another person in reasonable fear of bodily harm.

Roll call on Assembly Bill No. 84:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 84 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 85 prohibits a local government; the Administrator of the Purchasing Division, Department of Administration; and a board of trustees of a school district from joining, using, or entering into a contract or agreement previously established by another public body with the vendor if a contractor's license is required for any portion of the contract or agreement.

Roll call on Assembly Bill No. 85:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 85 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 102 defines the crime of organized retail theft as intentionally committing, alone or with others, a series of thefts of retail merchandise against one or more merchants with the intent to return or resell the merchandise for value.

Roll call on Assembly Bill No. 102:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 108 provides that a person who is adjudicated to be mentally incompetent or a ward who is placed under a guardianship is not ineligible to vote unless the court makes a specific finding based on clear and convincing evidence that the person or ward lacks the mental capacity to vote.

Additionally, it also clarifies the procedures by which registration is cancelled and reinstated based upon the orders of the court.

Roll call on Assembly Bill No. 108:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 108 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 110. Assembly Bill 110 provides that a dog may not be found to be dangerous or vicious based solely on its breed, and it prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous based solely on its breed.

If this bill passes, we will know the dog days of session are here. But seriously, this is a very important measure to prevent breed discrimination.

Roll call on Assembly Bill No. 110:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 116 adds concealing and aiding in the destruction or concealment of material evidence to the acts that may make a person an accessory to a crime. The bill also adds the domestic partner of a principal offender to the list of persons who are not considered accessories after the commission of a felony or gross misdemeanor. The bill removes brothers, sisters, parents, grandparents, children, and grandchildren of a principal offender from the list of persons who may not be considered accessories after the commission of a felony, and it provides that such persons who are accessories will only be guilty of a gross misdemeanor.

Roll call on Assembly Bill No. 116:

YEAS—39.

NAYS—Fiore.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 116 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 117 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 134 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 128 exempts the following persons from requirements to pay an aquatic invasive species fee and display an AIS decal in Nevada: (1) a person who operates a vessel on the Colorado River, Lake Mead, or Lake Mohave, if the vessel is registered in Arizona and Arizona has an AIS management program to that effect; and (2) a person who operates a vessel on Lake Tahoe or Topaz Lake, if the vessel is registered in California and California has an AIS management program in effect.

Roll call on Assembly Bill No. 128:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 128 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 132 provides that a person employed by a licensed agency to provide personal care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence. This immunity from liability applies to a person who has successfully completed training in cardiopulmonary resuscitation or emergency care of a person in cardiac arrest and renders emergency assistance to an elderly or disabled person in good faith and in accordance with his or her training.

Roll call on Assembly Bill No. 132:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 154. Assembly Bill 154 authorizes a multidisciplinary team reviewing the death of a child to use aggregated and unidentified data relative to the death of a child for research and prevention purposes. The bill consolidates the state administrative team into the Executive Committee to Review the Death of Children, which is required to review reports and recommendations of multidisciplinary teams. Additionally, this bill provides that certain administrators of child welfare agencies and agencies responsible for mental health and public safety serve as nonvoting members of the Executive Committee.

Roll call on Assembly Bill No. 154:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 155. Assembly Bill 155 makes various changes related to the reporting of suspected child abuse and neglect. The bill requires mandatory reporters of child abuse to be informed in writing or by electronic communication of their duty as mandatory reporters. Current mandatory reporters must be informed either at the next renewal time for licensure, certificate, or endorsement, and current nonlicensed reporters must be informed by December 31, 2013. After each regular session of the Legislature, the Legislative Committee on Health Care must review any additions of statutory chapters related to health care to determine if licensees should be included as mandatory reporters and must report any findings to the Legislature.

The bill provides that attorneys are not mandated to report suspected abuse or neglect of a child if the information was acquired through privileged communication with a client who has been or may be accused of committing the abuse or neglect, or is the victim, is in foster care, and does not give consent to the report.

However, this bill does not relieve the attorneys of the duty to advocate for and take actions to protect the safety of their client. Also, the requirement for certain child welfare services or law enforcement agencies to investigate immediately a report concerning the possible abuse or neglect of a child solely because that child is five years of age or younger is removed. The bill increases the penalty for a second or subsequent failure of a mandatory reporter to report abuse or neglect to a gross misdemeanor. Lastly, the bill expands the "Safe Haven" provider definition to include volunteer fire departments and any ambulance service as receiving entities for "Safe Haven" babies.

Roll call on Assembly Bill No. 155:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 155 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 156. Assembly Bill 156 provides that a person may not petition the court to seal records related to a felony conviction for driving a vehicle or watercraft under the influence; driving a vehicle or watercraft under the influence resulting in death or substantial bodily harm; vehicular homicide; or homicide by watercraft.

Assembly Bill 156 also authorizes a person to petition the court, after the statute of limitations has run or pursuant to a stipulation between the parties, for the sealing of all records relating to his or her arrest and proceedings if the prosecuting attorney declined to prosecute the charges. If the records are sealed, the bill authorizes the prosecuting attorney to file the charges before the statute of limitations has run and to inspect the records without having to petition the court.

Roll call on Assembly Bill No. 156:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 156 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 158. Assembly Bill 158 renames the State Program for Fitness and Wellness to be the State Program for Wellness and the Prevention of Chronic Disease. The bill also makes a corresponding name change to the Advisory Council for the State Program. The scope of the Advisory Council is expanded to include, among other topics, behavioral health, nutrition, obesity, tobacco use, and the prevention of various chronic diseases, such as asthma, cancer, and diabetes. Membership of the Advisory Council is expanded from 9 to 13.

The duties of the Health Division, Department of Health and Human Services, are revised to include preparing periodic burden reports that measures the impact of a health problem or chronic disease, making recommendations for programs that reduce incidences of chronic disease, and working with community organizations on chronic disease prevention.

Roll call on Assembly Bill No. 158:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 158 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 170 makes various changes relating to the advanced practice of nursing. The term “advanced practitioner of nursing” is replaced throughout the *Nevada Revised Statutes* with the term “advanced practice registered nurse.” It’s to true us up with the national standards. The bill requires the State Board of Nursing to issue a license to such a nurse, rather than a certificate of recognition; the requirements for issuance are unchanged. Assembly Bill 170 also removes the requirement that a practitioner utilize a protocol approved by a collaborating physician when engaging in selected medical diagnosis and treatment and prescribing controlled substances.

Roll call on Assembly Bill No. 170:

YEAS—36.

NAYS—Paul Anderson, Eisen, Livermore, Sprinkle—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 170 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblymen Healey and Flores.

ASSEMBLYMAN HEALEY:

I rise in support of Assembly Bill 173. Assembly Bill 173 prohibits an electric utility from making changes to a schedule or imposing a rate based on the time of day, day of the week, or time of year during which electricity is being purchased by a residential consumer, unless the consumer has voluntarily subscribed to a program imposing such a rate.

ASSEMBLYWOMAN FLORES:

I actually have question for the bill sponsor. I'm not entirely sure how someone cannot take advantage of a period in which there might be more affordable rates available such as a different time of day—night perhaps. I'm just a little unclear on how the bill does that. So if my colleague from Assembly District 35 could clear that up, I would very much appreciate that.

ASSEMBLYMAN HEALEY:

The intent of this bill is to provide one of two things: most importantly, an option for rate consumers of electricity where the resident can choose to stay on a flat rate, which they currently have now, or potentially go to a time-of-use rate plan, which would be a voluntary opt-in program for consumers. That program has not actually been rolled out as of yet but will be down the road. This just puts it in statute so that the electrical utility company cannot force consumers into a time-of-use plan where the rates would fluctuate based on the time of day or time of year if people choose to stay at a flat rate. So for instance seniors, stay-at-home parents, and people who work from their home who are going to be at home during those high peak times during the day during the summer would be able to stay on a flat rate so their rates would not fluctuate up and down at sometimes six times the cost of what the flat rate fee would be.

Roll call on Assembly Bill No. 173:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 173 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 174 authorizes a child welfare agency to either recommend against further action and return a child home or allow for any party to schedule a hearing for the court to determine whether or not that child should be returned home.

Assembly Bill 174 simply provides a mechanism for the court to determine whether or not a child should be returned home to a dangerous condition, either before or after the ten day deadline.

Roll call on Assembly Bill No. 174:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 174 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 175 allows an overseas voter, and a uniformed-service voter and his or her spouse and dependents, to sign documents for voter registration, balloting, and other voting-related documents, using a digital or electronic signature.

The Secretary of State shall adopt regulations setting forth the duties of local elections officials upon receipt of military-overseas ballots.

This bill follows up on last session's legislation, which started this process for uniformed and overseas military voters, and I urge your support.

Roll call on Assembly Bill No. 175:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Duncan and Neal.

ASSEMBLYMAN DUNCAN:

Assembly Bill 183 allows any person 16 years of age to donate blood with the consent of his or her parent or guardian.

Currently, 41 other states allow 16-year-olds and older, with the consent of their parents, to donate blood. We're hoping to increase the blood supply here in Nevada, and I urge your support. Thank you, Madam Speaker.

ASSEMBLYWOMAN NEAL:

I have a question for my colleague from District 37. How does a minor agree to do this but not enter into a contact?

ASSEMBLYMAN DUNCAN:

I appreciate the question from my colleague from the district from the south. I'm going to plead the Fifth on this one and just say it's okay because we do it in 41 other states.

Roll call on Assembly Bill No. 183:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 183 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblymen Sprinkle, Bobzien, Bustamante Adams, and Madam Speaker.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 206 requires that volunteer members of a search and rescue operation, acting under the direction of a sheriff in the conduct of any search and rescue operation, be covered at a deemed wage of \$2,000 per month for the purposes of receiving industrial insurance benefits.

ASSEMBLYMAN BOBZIEN:

A question to my colleague from Sparks: Could you explain to the body whether an off duty police officer would be such a volunteer under this bill?

ASSEMBLYMAN SPRINKLE:

Through you to my esteemed colleague from Reno. If the police officer is working in a completely volunteer fashion on the search and rescue team and is not being covered under the regular duty and pay, then yes, he would be a volunteer.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Question to the bill sponsor. Do I read it correctly? It says only the sheriff can actually create the search and rescue teams.

ASSEMBLYMAN SPRINKLE:

To my esteemed colleague from the south, that is correct. That is actually in state statute—that only sheriffs in the different counties can actually form designated search and rescue teams within their counties.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I'm curious how long has that been in place—that the sheriff is the only one who can do that.

ASSEMBLYMAN SPRINKLE:

I do not know the answer to that one.

Roll call on Assembly Bill No. 206:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 206 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 212 prohibits a prisoner in a local jail from possessing or having custody of a portable telecommunications device. If the prisoner is in custody for a felony, a violation of this prohibition is a category D felony. If the prisoner is in custody for a misdemeanor or a gross misdemeanor, a violation is a misdemeanor or gross misdemeanor, respectively.

Roll call on Assembly Bill No. 212:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 212 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 217 requires a county department of juvenile justice services and an agency that provides child welfare services to obtain background checks for each applicant for employment and each employee. The bill authorizes the agency or department to deny or terminate employment based on that background check.

Roll call on Assembly Bill No. 217:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 217 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 240 provides that if the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent in a civil action concerning injury to persons or property, the liability of the defendants is several.

Assembly Bill 240 really is a clarification of existing law. It simply says that if someone is alleged to have caused injury to a victim, that allegation must be proven, not simply asserted.

Roll call on Assembly Bill No. 240:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 240 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblymen Hansen, Carlton, and Madam Speaker.

ASSEMBLYMAN HANSEN:

Assembly Bill 252 makes various changes to the Nevada Administrative Procedure Act. The measure requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director of the Legislative Counsel Bureau [LCB] at the same time that the agency posts notice of the meeting or workshop on the website maintained by the LCB. If any regulation is not adopted within two years after the date on which it is submitted to the Legislative Counsel, the executive head of an agency is required to appear before the Legislative Commission to explain the failure to do so.

An agency must include a clear and concise explanation of the need for the adopted regulation when submitting the required informational statement with any proposed regulation. The Legislative Commission or the Subcommittee to Review Regulations may object to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete. The provisions of this bill apply retroactively to any regulation which has been proposed but not adopted before July 1, 2013, and to any regulation adopted on or after July 1, 2013.

ASSEMBLYWOMAN CARLTON:

If I may ask my colleague from the north, does he have any idea how many regulations this might possibly apply to since it is retroactive and prospective?

ASSEMBLYMAN HANSEN:

In response to my colleague from the south, I have no idea. I don't know how many are currently in a retroactive state. Madam Speaker and I worked together on this a little bit. Does Madam Speaker have any idea?

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Approximately four regulations are outstanding that did not make it through the last workshop process. We have been doing the regulations during session as they have come up, but there are some outstanding that still need workshops. I think there are about four.

ASSEMBLYMAN HANSEN:

I apologize for putting you on the spot. It is a good bill and a necessary one. I will say that there was one brought to us recently in Commerce and Labor that had not been presented to the Legislative Commission after five years, so that is one of the reasons why we wanted to make sure this was retroactive—to force all the different agencies to kind of get their acts together, get all of those things worked out, and submit it to Legislative Commission before they start applying them to everybody. Currently, there really is no provision to force them—after they pass that—to force them to submit that to the Legislative Commission so we have regulatory oversight of it. I hope that answers your question.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Assembly Bill 249 removes language providing for an appointed district attorney to serve the unexpired remainder of the four-year term. Instead, an appointed district attorney would have to comply with the statutory provisions that apply to appointments made to fill vacancies in most county offices.

Roll call on Assembly Bill No. 249:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 249 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 262 provides that in an action for child custody and visitation, the court may order the parties to pay reasonable attorney's fees, expert fees, and other costs in proportions and at times determined by the court if costs and fees are at issue.

Roll call on Assembly Bill No. 262:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 262 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 277 allows a dental hygienist with a special endorsement in public health dental hygiene to provide certain services without the supervision of an actively licensed dentist under certain circumstances.

Roll call on Assembly Bill No. 277:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 277 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 352 prohibits a person from knowingly advertising, making, possessing, purchasing, selling, or transporting a hoax bomb with intent to: make a reasonable person believe it is an explosive or incendiary device; cause alarm or reaction by an employee, officer, or volunteer of a fire or law enforcement agency; or cause the evacuation of a building, whether or not a threat is conveyed.

Roll call on Assembly Bill No. 352:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 352 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 365 requires the Court Administrator to adopt necessary regulations establishing the criteria and procedures for the appointment of alternate court interpreters for persons with language barriers. The bill requires the regulations to express a preference for appointment of a certified court interpreter before an alternate interpreter.

Assembly Bill 365 also requires an interpreter to be appointed at public expense for a person with a language barrier who is a criminal defendant or witness or who is the child, parent, guardian, or witness in a juvenile proceeding. This measure also requires the replacement of an appointed interpreter who is not communicating accurately or effectively if that fact becomes known to the person making the appointment.

Further, A.B. 365 requires the Advisory Committee on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning language access in the courts and to submit a report and any recommendations for legislation for transmission to the 78th Session of the Nevada Legislature and the Supreme Court of Nevada.

Roll call on Assembly Bill No. 365:

YEAS—36.

NAYS—Ellison, Kirner, Livermore, Wheeler—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 366 allows a nonprofit cooperative corporation to deal in products of non-members in an amount greater in value than products it handles for members if allowed by its articles of incorporation or bylaws. It also makes various administrative changes.

Roll call on Assembly Bill No. 366:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 366 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblymen Hardy and Hickey.

ASSEMBLYMAN HARDY:

Assembly Bill 381 sets forth a legislative finding that St. Thomas, Nevada, contains unique, culturally important resources. It also encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas. This bill clarifies that its provisions will not affect or prohibit any planning for or development of water resources, including the attainment of full storage capacity in Lake Mead.

This area was settled in 1865. It was an important crossroads for southern Nevada, and I urge your support in making sure that it is protected when the water is low.

ASSEMBLYMAN HICKEY:

I have a question to the maker of the motion. I wonder if he can speak to the amendment and whether he can personally guarantee that Lake Mead will not reach the level of the fine Virgin River in his dearly beloved Mesquite.

ASSEMBLYMAN HARDY:

To my colleague from District 25, if you had paid attention to the last part of my statement, the “bill clarifies that its provisions will not affect or prohibit any planning for or development of water resources, including the attainment of full storage capacity in Lake Mead.”

Roll call on Assembly Bill No. 381:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 381 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Last session there was a bipartisan bill of former Assemblywoman Debbie Smith and Senator Ben Kieckhefer and a recommendation from the Sage Commission to review all boards and commissions within the state of Nevada. We began the process and were able to accomplish 29 reviews. This bill makes some clarifications on membership and also decreases the number of boards we can review, because 29 was too much. We want to do a better job of the evaluation.

Roll call on Assembly Bill No. 383:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 383 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Swank and Elliot Anderson.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Resolution No. 3. This resolution expresses the Legislature’s intent to establish and encourage the creation of a biomass industry in Nevada, in order to expand efforts to manage piñon-juniper woodlands and restore certain ecosystems on public lands. The measure also encourages Congress to extend the authority of the Bureau of Land Management and the United States Forest Service to enter into stewardship contracts or

agreements for management and restoration projects on public lands beyond the current expiration date and to extend the maximum length of those contracts or agreements to 20 years.

ASSEMBLYMAN ELLIOT ANDERSON:

I would ask my neighboring district member: What is biomass? What are we encouraging?

ASSEMBLYWOMAN SWANK:

In answer to the questions my colleague from the south asked, biomass is an organic matter that is used as fuel that comes from managing the piñon-juniper forest. They've kind of overgrown, and so the idea is to trim them back a bit and manage them better, and then we can use the biomass for fuel for renewable energy and also wood products.

Roll call on Assembly Joint Resolution No. 3:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Joint Resolution No. 4 urges the Bureau of Land Management [BLM] and the United States Forest Service [USFS] to assist Nevada with the prevention and suppression of wildfires and repeat wildfires. The resolution states that wildfires negatively affect the ecosystem and that cheatgrass has been a significant contributing factor to wildfire activity in the state. The measure further suggests that, among other options to decrease wildfire activity, the BLM and USFS should partner with local agencies and other interested parties and may also consider partnering with the livestock industry to determine whether increased grazing under certain circumstances would reduce the frequency of wildfires and enhance rangeland and forest conditions. This resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 4 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Paul Anderson, Bobzien, and Hansen.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Joint Resolution No. 5 notes that Nevada has an abundance of natural and renewable resources, many of which are located on public lands that are managed and controlled

by the federal government. This resolution urges Congress to ensure that such lands remain open and accessible to multiple uses. This measure also urges Congress to enact legislation to ensure that the state and affected local governments in the state receive a portion of the revenue received by the federal government for activities conducted on those lands, including activities that generate electricity from geothermal resources.

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, I was wondering if he could, following the preamble, talk a little bit about the first item that is being urged of Congress. There is the urging that the federal lands remain open and accessible to multiple uses. Which multiple uses are we talking about here?

ASSEMBLYMAN PAUL ANDERSON:

Thank you for that most eloquent question from my colleague from District 24.

Multiple uses—shall I list the many whereas and wheretos? I have no answer to that. Recreation use, conservation, all of them, all the good things we can do on our federal lands, including geothermal uses. Are you asking for the very first one?

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, that was a wonderful enumeration of the various multiple uses.

ASSEMBLYMAN HANSEN:

Actually, I wasn't going to comment on what my colleague from Reno is commenting on. We need to give a special thank you for Assembly Joint Resolutions 3, 4, and 5 to the chair of the Public Lands Committee, from District 14 who was really behind all of those. She did a marvelous job in managing that committee and dealing with things like biomass and multiple uses, including grazing, off-road vehicle use, hunting, mining; all of those things are the multiple uses. She really did an outstanding job, and those three resolutions are a direct result of her leadership. I just wanted to rise and give her a public thank you for her excellent job as chairwoman.

Roll call on Assembly Joint Resolution No. 5:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblymen Oscarson, Bobzien, and Hardy.

ASSEMBLYMAN OSCARSON:

I rise in support of Senate Bill 121. It authorizes the transfer of the Belmont Courthouse from state ownership to Nye County. The measure sets forth a number of conditions relating to this transfer, including the requirements that Nye County protect all historical and recreational value of the property and guarantee public access to the property. In addition, the county or any successor in title shall not sell, lease, encumber, or dispose of the property without authorization by a concurrent resolution of the Nevada Legislature. Any violation of these conditions will result in the reversion of the title to the property back to the state of Nevada.

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, I wonder if the speaker for the bill could name for this body one of the more famous visitors to the Belmont Courthouse?

ASSEMBLYMAN OSCARSON:

Madam Speaker, it's my understanding that Charles Manson once visited the courthouse.

ASSEMBLYMAN HARDY:

I'd like to ask my colleague from the south a question we keep hearing over and over again in this body. Given how devastating the economy is for Nye County, how can Nye County afford to take over this wonderful facility at this time?

ASSEMBLYMAN OSCARSON:

Madam Speaker, thank you for the opportunity to elaborate on that. To my colleague from almost Utah, there is an organization in place called the Friends of Belmont Courthouse that is raising money, currently, as we speak. It has raised a significant amount of money to continue to maintain and operate that facility in the manner in which we believe it should be in Nye County, and Nye County is proud to have that in our county again.

Roll call on Senate Bill No. 121:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Senate Bill No. 121 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 60, 135, 300, 377, and 134 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 3:18 p.m.

ASSEMBLY IN SESSION

At 3:21 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Thalia Dondero.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Simon.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hidden Valley Elementary School: Kriseyah Alvarez, Alexander Malagar, Stephen Wampler, Erika Castellanos Najera, Adrian Mariscal, Hector Zepeda, Sherry Davis, Alexia Morales Silis, Samantha Hessler, Raina Northrup, Devin Huckabey, Jalyn Ponce, Aleixis Jara, Jason Rojas Jr., Keighly Jones, Alvin Solis, Jillian Lane, Michael Ta, Derrick Dale Ledesma, Noah Tover, Savannah Lopez, Norma Vega Rivera, Kyradela Applebach, Carson Beers, Sarah Bingham, Ryan Brizuela, Crystal Caycho, Jewelle Cruz, Juan Franco, Caitlyn Hartman, Nathan Herr, Andrew Herrick, Joseph Keeley, Jacob Kendrick, Abby Krause, Julius Malagar, Katelyn McKemy, Rachel Morton, Daniel O'Brien, Kiana O'Daye, Kylee Rather, Zachary Rios, George Volk, Anthony Wayson, Megan Wilson, Siana Barajas, Jackie Bacerra, Josh Boyce, Austen Brantner, Leilani Buentiempo, Kloe Bullock, Eadrian Carreon, Jessica Esquivel, Angelo Garbarini, Angel Garcia, Amanda Goforth, Santiago Guzman, Kiley Hernandez, Derrek Klein, Lizbeth Liquidano, Michael Matherly, Natalie Mock, Sarah Morton, Jeanalynn Ramas, Andrew Shelton, Jewel Smith, Ian William, Edgar Zarate, and Joshua MacDonald.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from the Douglas County Schools Partnership of Community Resources: Breanna Taylor, Chris Baird, Connor Mone, Delphena Hyatt, Mikayla Cloney, Reece Resnik, Robin Smuda, Sarah Kilpatrick, Sarah Sandell, Spencer Flanders, Taylor Stokes, Sarah Encee, Sabrina Martinez, Clayton Graver, Jarrod Becker, Amanda Howell, Blasé Acolino, Daniel Christensen, Isabella Lundberg, Jennie Stokes, Josh Cassity, Sasha Ewbank, Daija Currey, Rachel Santi, Denise Lopez, Alana Blakemore, Audrey Muller, Grant McLean, Isabel Munoz, Jennifer Flores, Juli Garcia, Justin Hubbard, Karina Diaz, Marissa Flanders, Ele Reyes, Marlo Flanders, Eva Lundberg, Tracy Gross, Kris Robison, Lea Morgan, and Neyzer Torres.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 16, 2013, at 11:30 a.m., and that it do so with its thoughts and prayers with those affected by the tragedy at the Boston Marathon.

Motion carried.

Assembly adjourned at 3:23 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly