

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 17, 2013

Assembly called to order at 12:04 p.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.

All-knowing and all-loving God, Your steadfast love never ceases, Your mercies never come to an end; they are new every morning; great is Your faithfulness. We begin this day in prayer because we know that we do not have all the answers. We ask for Your wisdom and Your guidance.

Give us new energy as we continue to do the work that You have given us. Help us to be good stewards of the many gifts and blessings that You have poured out on our lives. Empower this Assembly to accomplish meaningful and lasting good. Grant us boldness and clarity of judgment as we seek to serve others. All these things we ask in Your precious Name.

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 were referred Assembly Bills Nos. 90, 284, 349, 434, 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. 388, 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.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 353, 357, 460, 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. 59, 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 147, 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. 54, 64, 67, 307, 320, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 246, 346, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 145, 236, 242, 243, 263, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 158, 180, 288, 302, 310, 402, 432, 477, 489, 497, 506, 507, 509.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 66, 90, 109, 155, 157, 244, 316, 364; Senate Joint Resolution No. 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 256.

CINDY JONES
Fiscal Analysis Division

Senate Joint Resolution No. 8.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 54, 59, 64, 67, 90, 145, 147, 236, 242, 243, 246, 263, 284, 307, 308, 312, 320, 346, 349, 353, 357, 388, 396, 415, 434, 453, 455, and 460, just reported out of committee, be placed at the bottom of the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 19.

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

Motion carried.

Senate Bill No. 66.

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

Motion carried.

Senate Bill No. 90.

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

Motion carried.

Senate Bill No. 109.

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

Motion carried.

Senate Bill No. 155.

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

Motion carried.

Senate Bill No. 157.

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

Motion carried.

Senate Bill No. 158.

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

Motion carried.

Senate Bill No. 180.

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

Motion carried.

Senate Bill No. 244.

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

Motion carried.

Senate Bill No. 288.

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

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 310.

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

Motion carried.

Senate Bill No. 316.

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

Motion carried.

Senate Bill No. 364.

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

Motion carried.

Senate Bill No. 402.

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

Motion carried.

Senate Bill No. 432.

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

Motion carried.

Senate Bill No. 477.

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

Motion carried.

Senate Bill No. 489.

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

Motion carried.

Senate Bill No. 497.

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

Motion carried.

Senate Bill No. 506.

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

Motion carried.

Senate Bill No. 507.

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

Motion carried.

Senate Bill No. 509.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 246.

AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a ~~licensed gaming establishment; revising provisions relating to the unlawful possession, use, sale or manufacture of counterfeit items for the purposes of gaming or contests or promotions related to gaming;~~ **game;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to use or possess with the intent to use, or to assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. (NRS 465.075) **Section 1** of this bill: (1) provides that the prohibition applies to individuals and those acting in conjunction with others; ~~and~~ (2) **adds software or hardware, or any combination thereof, to the list of prohibited devices;** (3) **provides that the prohibition applies to any game that is offered by a licensee or affiliate;** and (4) removes the definition of the term "advantage."

~~[Existing law also prohibits the possession, use, sale or manufacture of counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game. (NRS 465.080) Section 2 of this bill provides that the possession, sale or manufacture of such items that are intended to be used in a gambling game is unlawful. Section 2 also provides that it is unlawful to possess, use, sell or manufacture certain counterfeit items that are intended to be used to determine the outcome of a contest or promotional activity conducted by or on behalf of a gaming licensee.]~~

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

Section 1. NRS 465.075 is hereby amended to read as follows:

465.075 ~~[1.]~~ It is unlawful for any person , *either solely or in conjunction with others*, to use, possess with the intent to use or assist another person in using or possessing with the intent to use any computerized, electronic, electrical or mechanical device , **or any software or hardware, or any combination thereof,** which is designed, constructed, altered or programmed to obtain an advantage at playing any game in a licensed gaming establishment ~~[.]~~ **or any game that is offered by a licensee or affiliate,** including, without limitation, a device that:

~~[(a)]~~ 1. Projects the outcome of the game;

~~[(b)]~~ 2. Keeps track of cards played or cards prepared for play ~~;~~

~~[(c)]~~ **in the game;**

3. Analyzes the probability of the occurrence of an event relating to ~~[a]~~ **the game;** or

~~{{d}}~~ 4. Analyzes the strategy for playing or betting to be used in the game,

↳ except as may be made available as part of an approved game or otherwise permitted by the Commission.

~~{2. As used in this section, “advantage” means a benefit obtained by one or more participants in a game through information or knowledge that is not made available as part of the game as approved by the Board or Commission.}~~

~~Sec. 2. NRS 465.080 is hereby amended to read as follows:~~

~~465.080 1. It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to [possess, use,]~~

~~(a) Possess, sell or manufacture counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments that are intended to be used in a gambling game, associated equipment or a cashless wagering system [.] ; or~~

~~(b) Use counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game, associated equipment or a cashless wagering system.~~

~~2. It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to possess, use, sell or manufacture any counterfeit instruments, counterfeit tickets or other counterfeit items that are used or intended to be used to determine the outcome of any contest or promotional activity conducted by or on behalf of any licensee.~~

~~3. It is unlawful for any person, in playing or using any gambling game, associated equipment or cashless wagering system designed to be played with, receive or be operated by chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or by lawful coin, legal tender of the United States of America:~~

~~(a) Knowingly to use other than chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or lawful coin, legal tender of the United States of America, or to use coin or tokens not of the same denomination as the coin or tokens intended to be used in that gambling game, associated equipment or cashless wagering system; or~~

~~(b) To use any device or means to violate the provisions of this chapter.~~

~~4. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession on or off the premises of any licensed gaming establishment any device intended to be used to violate the provisions of this chapter.~~

~~5. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession on or off the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gambling game, cashless wagering system or drop box, or any electronic or mechanical device connected thereto, or for removing money or other contents therefrom.~~

~~6. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession any paraphernalia for manufacturing slugs. As used in this subsection, "paraphernalia for manufacturing slugs" means the equipment, products and materials that are intended for use or designed for use in manufacturing, producing, fabricating, preparing, testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips, tokens, debit instruments or other wagering instruments approved by the State Gaming Control Board or a lawful coin, legal tender of the United States, the use of which is unlawful pursuant to subsection 3. The term includes, but is not limited to:~~

- ~~—(a) Lead or lead alloys;~~
- ~~—(b) Molds, forms or similar equipment capable of producing a likeness of a gaming token or United States coin;~~
- ~~—(c) Melting pots or other receptacles;~~
- ~~—(d) Torches;~~
- ~~—(e) Tongs, trimming tools or other similar equipment; and~~
- ~~—(f) Equipment which can be reasonably demonstrated to manufacture facsimiles of debit instruments or wagering instruments approved by the State Gaming Control Board.~~

~~7. Possession of more than one of the devices, equipment, products or materials described in this section permits a rebuttable inference that the possessor intended to use them for cheating.} (Deleted by amendment.)~~

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

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. 18.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 100.

AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any relinquishment of a portion of any state highway by the Department of Transportation to a county or city requires a consenting resolution from the legislative body of that county or city. (NRS 408.527) This bill allows ~~for the relinquishment of: (1) any portion of a state highway to a county or city with such a consenting resolution if the highway is either in good repair or the Department provides equitable compensation to the county or city for bringing the highway into good repair; and (2) any portion of a local road to the Department with the consent of the Board of Directors of the Department if the road is either in good repair or the county or city provides equitable compensation to the Department for bringing the road into good repair;~~ **the Department, and counties and cities, to relinquish to each other state highways and county and city roads, as applicable, provided that: (1) the parties agree in writing to the relinquishment; (2) the governing body of the recipient entity adopts a resolution consenting thereto; and (3) the highway or road is in good repair, or the parties agree to other equitable compensation or considerations. This bill also requires the Department, in cooperation with local governments, to develop a procedural document addressing the process by which highways and roads are relinquished.**

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

Section 1. NRS 408.527 is hereby amended to read as follows:

408.527 1. Whenever the Department and the county or city concerned have entered into ~~an~~ **a written** agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city ~~any~~ **:**

(a) Any portion of any state highway which has been deleted from the state highway system by legislative enactment ~~or~~ **likewise relinquish any** **; or**

(b) Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. *Whenever the county or city concerned and the Department have entered into ~~an~~ **a written** agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may*

relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.

3. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

~~{3.}~~ 4. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

~~{4.}~~ 5. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

~~{5.}~~ 6. If the Board relinquishes property pursuant to subsection ~~{4.}~~ 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then ~~{:~~

~~—(a) If the~~ **absent an agreement or a provision of law to the contrary, and regardless of the** interest of the Department in the property before it was relinquished, ~~{was held in fee simple,}~~ all right, title and interest ~~{of}~~ **in the property shall vest in** the county, city or Division ~~{reverts}~~ **without reversion** to the Department.

~~{(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.}~~

7. ***The Board may accept from ~~the~~ a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to ~~in~~ in writing.***

8. ~~{The}~~ ***A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to ~~in~~ in writing.***

9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair ~~before the relinquishment or trade takes place. If the highway or road, or portion thereof, to be traded is not of comparable value,~~ or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations. ~~are required.~~

~~{6.}~~ 10. The Department, in cooperation with local governments, shall develop a procedural document which addresses the process by which highways and roads are relinquished. The Board must approve the procedural document and any modifications thereto.

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 147.

AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; ~~revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from having an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a highway. Existing law provides an exception to that prohibition for a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living

quarters of a house coach or house trailer. (NRS 484B.150) **Section 1** of this bill provides that the exception ~~: applies only to a passenger, but not the driver, within:~~ (1) **applies to** the passenger area of such a motor vehicle; ~~for~~ (2) ~~the living quarters of the house coach or house trailer.~~ **but (2) does not apply to a driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.**

Section 2 of this bill ~~increases the threshold from \$750 to \$1,500 in apparent damages for determining when the~~ **allows: (1) a driver of a vehicle which is involved in an accident ~~is required~~ with apparent damages of \$750 or more to ~~forward a~~ submit electronically the accident report the driver is required to submit** to the Department of Motor Vehicles ~~; within 10 days after the accident.~~ **Section 2 further allows: (1) the driver to submit the report electronically;** and (2) a driver who is required to submit a supplemental report to do so electronically. (NRS 484E.070) **Section 2 further requires the Department of Motor Vehicles to approve the format of the forms for those accident reports and make the forms available to persons who are required to submit the reports to the Department.**

Section 4 of this bill allows a police officer who investigates a vehicle accident for which a report must be made by the officer, or who otherwise prepares a written **or electronic** report as a result of the investigation, to forward the report of the accident in writing or electronically. In addition, **section 4** requires the report to be submitted to the Department of Public Safety rather than the Department of Motor Vehicles. ~~(NRS 484E.110)~~ **Section 4 requires the data collected by the Department of Public Safety from those reports to be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis.** **Section 4** further requires a police officer to prepare a report of an investigation which is conducted of a vehicle accident which results in bodily injury to or the death of any person or which involves apparent damage of ~~\$1,500~~ **\$750** or more to a vehicle or other property. **(NRS 484E.110)**

Section 5 of this bill transfers from the Department of Motor Vehicles to the Department of Public Safety the duty to prepare certain forms for preparing written accident reports that are supplied to police departments, sheriffs and other appropriate agencies or persons. (NRS 484E.120) **Section 5** further requires certain accident reports that are required to be prepared by a police officer to be made on the appropriate form approved by the Department of Public Safety rather than the Department of Motor Vehicles and requires any other accident reports to be made on forms approved by the Department of Motor Vehicles.

~~[Section 6 of this bill increases the threshold for damage to property as a result of a motor vehicle accident which requires a driver to deposit security from \$750 to \$1,500. If such security is not filed in a timely manner and the driver remains liable for the amount, under existing law, the Department of Motor Vehicles will hold a hearing to suspend the driver's license of the driver of the motor vehicle and any motor vehicle registrations of the owner of the motor vehicle or, if the operator or owner of the motor vehicle is a nonresident, to suspend his or her privilege to drive in this State. (NRS 485.190)]~~

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

Section 1. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to ~~;~~ ~~[a passenger, but applies to the driver, within.]~~

(a) *The passenger area of a* motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation ; ~~;~~ ~~[or to the]~~

(b) *The living quarters of a house coach or house trailer* ~~;~~ ~~[.]~~
↪ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 2. NRS 484E.070 is hereby amended to read as follows:

484E.070 1. **The Department shall:**

(a) Approve the format of the forms for accident reports made pursuant to this section; and

(b) Make those forms available to persons who are required to forward the reports to the Department pursuant to this section.

2. Except as otherwise provided in subsections ~~{2.}~~ 3, 4 and ~~{4.}~~ 5, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 ~~/\$1,500~~ or more, shall, within 10 days after the accident, forward a written *or electronic* report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written *or electronic* reports whenever the original report is insufficient in the opinion of the Department.

~~{2.}~~ 3. A report is not required from any person if the accident was investigated by a ~~law enforcement agency~~ *police officer pursuant to NRS 484E.110* and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

~~{3.}~~ 4. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 until the 10th day of the month following the month in which the accident occurred.

~~{4.}~~ 5. A written *or electronic* accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of the person's incapacity. Whenever the driver is physically incapable of making a written *or electronic* report of an accident as required in this section and the driver is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

~~{5.}~~ 6. All written *or electronic* reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except as otherwise provided in NRS 239.0115 and except that the Department may disclose to a person involved in an accident or to his or her insurer the identity of another person involved in the accident when the person's identity is not otherwise known or when the person denies having been present at the accident. The Department

may also disclose the name of the person's insurer and the number of the person's policy.

~~6.1~~ **7.** A written *or electronic* report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484E.080.

Sec. 3. NRS 484E.080 is hereby amended to read as follows:

484E.080 1. If a person willfully fails, refuses or neglects to make a report of an accident in accordance with the provisions of this chapter, the person's driving privilege may be suspended. Suspension action taken under this section remains in effect for 1 year unless terminated by receipt of the report of the accident or upon receipt of evidence that failure to report was not willful.

2. Any person who gives information in *electronic*, oral or written reports as required in this chapter, knowing or having reason to believe that such information is false, is guilty of a gross misdemeanor.

Sec. 4. NRS 484E.110 is hereby amended to read as follows:

484E.110 1. Every police officer who investigates a vehicle accident of which a report must be made as required in this chapter, or who otherwise prepares a written *or electronic* report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written *or electronic* report of the accident to the Department *of Public Safety* within 10 days after the investigation of the accident. *The data collected by the Department of Public Safety pursuant to this subsection must be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis.*

2. The written *or electronic* reports required to be forwarded by police officers and the information contained therein are not privileged or confidential.

3. Every sheriff, chief of police or office of the Nevada Highway Patrol receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall immediately prepare a copy thereof and file the copy with the Department ~~of~~ *of Public Safety*.

4. *If a police officer investigates a vehicle accident resulting in bodily injury to or the death of any person or total damage to any vehicle or item*

of property to an apparent extent of ~~[\$1,500]~~ \$750 or more, the police officer shall prepare a written or electronic report of the investigation.

5. As soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall submit a copy of the report to the Department of Motor Vehicles.

Sec. 5. NRS 484E.120 is hereby amended to read as follows:

484E.120 1. The Department **of Public Safety** shall prepare ~~and upon request supply to police departments, sheriffs and other appropriate agencies or persons~~ forms for ~~written~~ accident reports ~~as~~ required ~~in this chapter,~~ **pursuant to NRS ~~(484E.070 and)~~ 484E.110**, suitable with respect to the persons required to make the reports and the purposes to be served. The forms must be designed to call for sufficiently detailed information to disclose with reference to an accident the cause, conditions then existing, the persons and vehicles involved, the name and address of the insurance company, the number of the policy providing coverage and the dates on which the coverage begins and ends. **The Department of Public Safety shall** ~~fr~~

~~—(a) After the Department of Motor Vehicles approves the format of the forms for accident reports made by persons pursuant to NRS 484E.070, supply the forms to the Department of Motor Vehicles; and~~

~~—(b) Upon request, supply to a police department, sheriff or other appropriate agency or person, the forms for accident reports prepared by a police officer pursuant to NRS 484E.110.~~

2. ~~The form prepared for a report to be made by persons pursuant to NRS 484E.070 or by a police officer pursuant to NRS 484E.110 must call for such~~ **In addition to submitting a copy of a report pursuant to NRS 484E.110, the Department of Public Safety shall provide any information ~~as is~~ required by this section which is not included in the report to the Department of Motor Vehicles to enable ~~the~~ the Department of Motor Vehicles** to determine whether the requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department **of Motor Vehicles** may rely upon the accuracy of information supplied **to a police officer** by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. **Every accident report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.**

4. Every accident report required ~~to be made in writing~~ **pursuant to NRS 484E.110** must be made on the appropriate form approved by the Department **of Public Safety** and must contain all the information required therein unless it is not available.

Sec. 6. ~~NRS 485.190 is hereby amended to read as follows:~~

~~485.190 1. If, 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$750, \$1,500, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.~~

~~2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.] (Deleted by amendment.)~~

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

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

Amendment No. 337.

AN ACT relating to state purchasing; revising provisions governing contracts to provide services to state agencies; ~~revising~~ **increasing** the ~~thresholds governing certain actions relating to~~ **threshold for requiring** ~~contracts for services,~~ formal contracts ~~and local purchasing,~~ **for certain purchases by the State;** revising provisions concerning purchases and contracts which are contrary to the provisions governing state purchasing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a department, division or other agency of the Executive Department of the State Government from entering into certain contracts to provide services unless approved by the State Board of Examiners. (NRS 284.1729) This bill repeals NRS 284.1729 but replaces that section with **section 1** of this bill, to be added to chapter 333 of NRS, which relates to state purchasing. The new section contains the same provisions as existing law except that the new section amends that existing law by: (1) requiring the using agency to submit a written disclosure to the Board regarding the services to be provided; and (2) specifying when approval by the Board must occur.

Existing law defines a “using agency” to include certain state agencies and elected officers of the Executive Department of the State Government which derive their support from public money in whole or in part. (NRS 333.020) ~~Sections 2-4~~ **Section 3** of this bill ~~raise~~ **raises** the threshold for ~~[(1) the estimated value of contracts for services that the Administrator of the Purchasing Division of the Department of Administration is required to contract for from \$100,000 or more to \$250,000 or more; (2)]~~ requiring formal contracts for **certain** purchases by the State from \$25,000 to \$50,000, ~~[(1) and (2) local purchasing by using agencies which the Administrator may authorize from \$5,000 to \$10,000 per order.]~~

With limited exceptions, existing law requires contracts with independent contractors to be approved by the State Board of Examiners, but the Clerk of the Board may approve contracts that are for **amounts** less than ~~a certain specified amount.]~~ **\$10,000, or amounts less than \$25,000 for contracts necessary to preserve life and property.** (NRS 333.700) **Section 5** of this bill ~~[(1) authorizes the Board to prescribe the amount rather than the relevant amount being specified in statute; and (2)]~~ provides that **the Clerk of the Board or a designee may approve** contracts for amounts below ~~the amount prescribed by the Board are excepted from certain requirements, including being in writing and being filed with the Legislative Counsel Bureau and the Clerk of the Board.]~~ **\$50,000, including those contracts necessary to preserve life and property. Section 5 also authorizes a contract for the services of an independent contractor to be performed in parts or phases, except that section 5 prohibits splitting such a contract into separate contracts for the purpose of avoiding any requirements for competitive bidding.**

Section 6 of this bill provides that purchases for services made or contracts entered into for purchases of services by certain state agencies and elected officers are void if they are contrary to the statutory and regulatory provisions governing state purchasing. **Section 6** further provides that the head of the using agency and the employee who made such a purchase or

entered into such a contract are personally liable for the costs of those services. **Section 6 also excludes contracts for the purchase of any service, supplies, materials or equipment for a public work that are awarded in compliance with the provisions governing public works from the provisions of section 6.**

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

- (a) The person is a current employee of an agency of this State;**
- (b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or**
- (c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,**
↪ unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

- (a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists;**
or
- (b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.**

3. *The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:*

(a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of NRS 333.700; and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. *A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.*

5. *Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.*

6. *Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.*

7. *Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:*

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. *A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:*

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of \$1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Sec. 2. ~~NRS 333.165 is hereby amended to read as follows:~~

~~333.165 1. Except as otherwise provided by specific statute, the Administrator shall contract for services whose estimated value is [\$100,000] \$250,000 or more, and may authorize a using agency to contract for such services if he or she determines that to do so would be in the best interests of the State.~~

~~2. A using agency may contract for services if the estimated value of the services is less than [\$100,000.] \$250,000. The Administrator may, upon the request of a using agency, contract for such services on behalf of the agency if he or she determines that to do so would be in the best interests of the State.~~

~~3. The Administrator shall, upon the request of a using agency, provide assistance to the using agency for any contract for services whose estimated value is less than [\$100,000.] \$250,000.~~

~~4. For the purposes of this section, a contract for goods and services whose estimated value:~~

~~(a) Is [\$100,000] \$250,000 or more [,] shall be deemed a contract for services; or~~

~~(b) Is less than [\$100,000.] \$250,000 shall be deemed a contract for goods with respect to that part of the contract that represents goods. Those goods must be procured in a manner authorized by the Administrator. (Deleted by amendment.)~~

Sec. 3. 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. 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. 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. 4. ~~NRS 333.390 is hereby amended to read as follows:~~

~~333.390 1. Except as otherwise provided in NRS 333.435, the Administrator may authorize local purchasing by using agencies, in accordance with the rules of procedure, of individual orders for items not scheduled for quantity purchasing, not to exceed [\$5,000] **\$10,000** for each order, except for the repair, replacement and installation of parts for heavy equipment, not to exceed \$15,000 for each order, at no higher prices than specified in the orders authorizing the local purchasing. The Administrator may authorize purchasing at higher prices if perishable articles are involved and to meet other emergency requirements.~~

~~2. The prices of the local purchases must be based on considerations of equal service and economy as compared with those in furnishing the same items of equal quality through the regular purchasing procedure.~~

~~3. Each authorization must:~~

~~(a) Be revocable.~~

~~(b) Specify the limit of spending for individual orders not to exceed [\$5,000,] **\$10,000**, except for the repair, replacement and installation of parts referred to in subsection 1.~~

~~(c) Specify the articles to be purchased.~~

~~(d) Be operative for not longer than 1 year after the date of issue.~~

~~4. A using agency that receives an authorization shall keep a record of:~~

~~(a) Its accounts and expenditures pursuant to that authority; and~~

~~(b) Evidence indicating that every effort has been made to secure competitive bidding to the extent practicable. **(Deleted by amendment.)**~~

Sec. 5. NRS 333.700 is hereby amended to read as follows:

333.700 1. Except as otherwise provided in ~~[NRS 284.1729,]~~ **section 1 of this act**, a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

6. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 8, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of ~~do not apply to~~ contracts which are for amounts less than \$2,000. ~~the amount prescribed by the State Board of Examiners.~~

7. Except as otherwise provided in subsection 8, and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

(a) For amounts less than ~~[\$10,000 or, in contracts necessary to preserve life and property, for amounts less than \$25,000;]~~ ~~the amount prescribed by the State Board of Examiners;~~ \$50,000; or

(b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

8. Copies of the following types of contracts need not be filed or approved as provided in subsections 6 and 7:

(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

9. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 7 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

↪ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

10. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

11. **Except as otherwise provided in this subsection, a contract for the services of an independent contractor may be performed in parts or phases. A contract for the services of an independent contract must not be split into separate contracts for the purpose of avoiding any requirements for competitive bidding.**

12. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Sec. 6. NRS 333.810 is hereby amended to read as follows:

333.810 1. ~~Any~~ **Except as otherwise provided in subsection 3, any** purchase and any contract for the purchase of any **service**, supplies, materials or equipment, made or entered into by any state officer, department, institution, board, commission or agency contrary to the provisions of this chapter and the rules and regulations of the Administrator promulgated pursuant thereto, shall be void; but the head of the using agency and the employee who actually made such purchase or entered into such contract shall be personally liable for the costs of any **service**, supplies, materials or equipment delivered pursuant to such purchase or contract.

2. Any contract made with any person, firm or corporation shall be void if any member, officer or employee of any using agency taking part in the making of such contract is also an officer or employee or owner of a substantial part or interest in such firm or corporation.

3. The provisions of this section do not apply to a contract for the purchase of any service, supplies, materials or equipment for a public work that is awarded in compliance with chapter 338 of NRS.

4. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 7. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS ~~[284.1729,]~~ 285.070, subsection 2 of NRS 321.335, NRS 322.007,

subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 8. NRS 284.1729 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

284.1729 Limitations and requirements; approval by State Board of Examiners; emergencies; reports to Interim Finance Committee; applicability of state purchasing provisions; exceptions.

1. Except as otherwise provided in this section, a department, division or other agency of this State shall not enter into a contract with a person to provide services for the agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

↪ unless, before the contract is executed by the agency, the State Board of Examiners approves the employment of the person. The requirements of this

subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to contract with the person.

3. A department, division or other agency of this State may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the contract. If a department, division or agency contracts with a person pursuant to this subsection, the department, division or agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the department, division or agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

4. Except as otherwise provided in subsection 9, a department, division or other agency of this State shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the agency that were entered into by the agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection 9, a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

7. A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1 million; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

8. The provisions of chapter 333 of NRS that are not in conflict or otherwise inconsistent with this section apply to a contract entered into pursuant to this section.

9. The provisions of subsections 1 to 5, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of \$1 million or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

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. 44.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 247.

SUMMARY—~~[Requires associations of planned communities to allow]~~
Revises provisions governing the ~~[outdoor]~~ storage of trash and recycling
 containers ~~[under certain circumstances]~~ **in certain planned communities.**
 (BDR 10-262)

AN ACT relating to common-interest communities; ~~[requiring associations
 of planned communities to allow]~~ **revising provisions governing** the
~~[outdoor]~~ storage of trash and recycling containers ~~[under certain
 circumstances; requiring the Commission for Common Interest Communities
 and Condominium Hotels to adopt regulations pertaining to the storage of
 trash and recycling containers]~~ **in certain planned communities;** and
 providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill restricts the authority of an association of a planned community to regulate the storage of trash and recycling containers on the premises of attached or detached residential units with curbside trash and recycling collection. Under **section 1** of this bill, the rules of an association governing the storage of trash and recycling containers must **: (1) comply with all applicable codes and regulations; and (2) allow the unit's owner, or a tenant of the unit's owner, to store the containers outside any building or garage on the premises of the unit. The rules may : (1) provide that the containers must be [screened] stored in such a manner that the containers are [not visible] screened from view from the street [or], a sidewalk [. ~~Section 1 also: (1) requires the Commission for Common Interest Communities and Condominium Hotels to adopt regulations prescribing the specifications and maximum cost] or any adjacent property; and (2) prescribe the size, location, color and material of [a screen] any device, structure or item that may be used by a unit's owner or tenant [; and (2) provides that a screen used by a unit's owner or tenant must comply with all applicable codes and regulations.] to screen the view.~~** Finally, **section 1** allows an association to adopt rules that reasonably restrict the conditions under which trash and recycling containers are placed for collection, including, without limitation, the area in which the containers may be placed and the length of time for which the containers may be kept in that area.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate trash and recycling containers are applicable only to associations containing more than six units.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area ~~for~~, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association ~~must allow~~ :

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area. ~~The rules may provide~~

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in such a manner that the containers are screened from view from the street ~~for~~, a sidewalk ~~for~~. The Commission shall adopt regulations prescribing the specifications of any device, structure or item used by a unit's owner or tenant to screen containers for the collection of solid waste or recyclable materials, including, or any adjacent property; and

(2) Include, without limitation, rules prescribing the size, location, color ~~for~~ and material ~~and maximum cost~~ of ~~the~~ any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner of attachment of the device, structure or item to ~~any other~~ the structure on the premises ~~of the unit. A device, structure or item used by a unit's owner or tenant to screen containers for the collection of solid waste or recyclable materials must comply with all applicable codes and regulations.~~ where the containers are stored.

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which containers for the collection of solid waste or recyclable materials are placed in the collection area, including, without limitation:

(a) The boundaries of the collection area;

(b) The time at which the containers may be placed in the collection area; and

(c) The length of time for which the containers may be kept in the collection area.

4. As used in this section:

(a) "Collection area" means the area designated for the collection of the contents of containers for the collection of solid waste or recyclable materials.

(b) "Curbside service" means the collection of solid waste or recyclable materials on an individual basis for each residential unit by an entity that is authorized to collect solid waste or recyclable materials.

(c) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(d) "Residential unit" means an attached or detached unit intended or designed to be occupied by one family.

(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, **and section 1 of this act** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

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. 77.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 352.

SUMMARY—Requires a cooling-off period before a former State Legislator may serve as a paid lobbyist ~~to~~ before the Legislature.
(BDR 17-436)

AN ACT relating to the Legislature; ~~prohibiting~~ **requiring a cooling-off period before** a former State Legislator ~~from receiving compensation or other consideration to~~ **may** serve as a **paid** lobbyist ~~to~~ **before** the Legislature ~~for a period of 2 years after leaving office;~~ **; providing for certain exceptions; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~This bill prohibits~~ **The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) Certain violations of the Lobbying Act are punishable as misdemeanors. (NRS 218H.960)**

Under the Lobbying Act, a paid lobbyist is a person who receives any compensation to: (1) appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicate directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action. (NRS 218H.080, 218H.500)

However, a paid lobbyist does not include: (1) persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying; (2) employees of a bona fide news medium who are acting in the course of their professional duties and news gathering function; (3) certain state and local officers and employees who confine their activities to matters related to their public offices or agencies; and (4) persons who contact the Legislators elected from the districts in which such persons reside. (NRS 218H.080)

Section 1 of this bill amends the Lobbying Act to prohibit a former State Legislator from ~~receiving compensation or other consideration to serve~~ serving as a paid lobbyist ~~to~~ before the Legislature for ~~2 years after leaving office.~~ a cooling-off period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

Section 2 of this bill prohibits a former State Legislator from filing a registration statement with the Director in the classification of a paid lobbyist during the cooling-off period. (NRS 218H.200)

Section 3 of this bill makes violations of the cooling-off period punishable as misdemeanors. (NRS 218H.960)

Section 4 of this bill provides that the cooling-off period applies only to a person who is elected to office as a State Legislator for a term

commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Section 5 of this bill provides that the provisions of this bill become effective on November 4, 2014.

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

Section 1. Chapter ~~218A~~ **218H** of NRS is hereby amended by adding thereto a new section to read as follows:

1. A former Legislator shall not receive compensation or other consideration to serve as a lobbyist for ~~the period of 2 years after leaving office.~~ the period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

2. As used in this section ~~the~~
~~(a) "Consideration"~~, "consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

~~[(b) "Lobbyist" has the meaning ascribed to it in NRS 218H.080.]~~

Sec. 2. NRS 218H.200 is hereby amended to read as follows:

218H.200 **1.** Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.

2. A former Legislator shall not file a registration statement with the Director in the classification of a lobbyist who receives any compensation for his or her lobbying activities during any period in which the former Legislator is prohibited from serving as such a lobbyist pursuant to section 1 of this act.

Sec. 3. NRS 218H.960 is hereby amended to read as follows:

218H.960 A person who is subject to any provision in NRS 218H.900 or 218H.930 **or section 1 of this act** and who violates or otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

Sec. 4. This act applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Sec. 5. This act becomes effective on November 4, 2014.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 307.

AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law : (1) authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist ; and (2) prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may ~~file~~ : (1) include in the information charging the primary offense a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon ; or (2) file such a count after the person's conviction for the primary offense ~~but~~ but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing. (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed ~~within 30~~ not less than 2 days ~~after~~ before the ~~defendant's arraignment~~ trial on the primary offense, unless the prosecution and the defendant stipulate otherwise or for good cause shown the court extends such time. This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.

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

Section 1. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded

to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be ~~separately~~ filed ~~[after conviction of]~~ ***separately from the indictment or information charging the primary offense, but if it is so filed, the count pursuant to NRS 207.010, 207.012 or 207.014 must be filed ~~[within 30 days after the defendant's arraignment]~~ not less than 2 days before the start of the trial on the primary offense unless the prosecution and the defendant stipulate otherwise or the court for good cause shown makes an order extending the time. ~~##~~ For good cause shown, the prosecution may supplement or amend a count pursuant to NRS 207.010, 207.012 or 207.014 ~~is filed separately from the indictment or information charging the primary offense,~~ at any time before the sentence is imposed, but if such a supplement or amendment is filed, the*** sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon a stipulation of the parties.

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. 98.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 398.

AN ACT relating to common-interest communities; requiring a person nominated as a candidate for membership on the executive board of an association to be a member of the association in good standing; authorizing an association to reject a person's nomination as a candidate for membership on the executive board in certain circumstances; authorizing an association to distribute the disclosure of a potential conflict of interest on behalf of a candidate; requiring an association that solicits bids for an association project to review and compare initial bids; authorizing such an association to request revised bids; revising the definition of "association project"; revising the process by which financial statements of certain associations are reviewed or audited; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person who is nominated as a candidate for membership on the executive board of an association to disclose potential conflicts of interest and whether he or she is a member of the association in good standing. A person is deemed not to be in good standing if he or she owes certain assessments or penalties to the association. (NRS 116.31034)

Section 1 of this bill removes the disclosure requirement relating to being a member in good standing and instead requires a person who is nominated as a candidate for membership on the executive board to be a member in good standing. **Section 1** also provides that ~~if a person is deemed not to be in good standing if he or she owes fines to the association. Section 1 further provides that~~ if a candidate fails to disclose any potential conflict of interest before the closing period prescribed for nominations for membership on the executive board, the association may: (1) reject the person's nomination; or (2) if the association has reason to believe that a potential conflict of interest exists, distribute the disclosure, on behalf of the candidate, to each member of the association with the ballot or in the next regular mailing of the association.

Existing law provides that if an association solicits bids for an association project, the bids must be opened during a meeting of the executive board. (NRS 116.31086) **Section 2** of this bill requires an association to review and compare the initial bids for the association project and authorizes the

association to request any of the bidders to submit a revised bid. **Section 2** also revises the definition of “association project” to specify that such a project costs \$2,500 or more or 10 percent or more of the total annual assessment made by the association.

Existing law sets forth the process for the review or audit of the financial statement of an association by an independent certified public accountant. For an association with an annual budget that is less than \$150,000, the frequency with which a review occurs depends on the specific annual budget of the association. The financial statement of such an association must be audited only if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit. (NRS 116.31144) **Section 3** of this bill revises this process and requires that the financial statement of an association with an annual budget that is less than \$150,000 be ~~audited at least once~~ **reviewed** every ~~four~~ fiscal ~~years~~ **year**. For any fiscal year ~~, for which such an audit will not be conducted,~~ the financial statement must be ~~or (1) reviewed, or (2)~~ audited if, within 180 days before the end of the fiscal year, 51 percent of the total number of voting members of the association submit a written request for such an audit.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant’s control, the units’ owners shall elect an executive board of at least three members, all of whom must be units’ owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units’ owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

- (a) Members of the executive board who are appointed by the declarant; and
- (b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) ~~{Disclose whether the candidate is}~~ **Be** a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments ~~for~~ or construction penalties ~~for fines~~ that are required to be paid to the association.

~~{The}~~ ***If a candidate who is not deemed to be in good standing pursuant to this paragraph satisfies all such unpaid and past due assessments ~~for~~ or construction penalties ~~for fines~~ before the closing of the prescribed period for nominations for membership on the executive board, he or she shall be deemed to be in good standing and may proceed as a candidate for membership on the executive board.***

9. A candidate must make all disclosures required pursuant to ~~{this}~~ **paragraph (a)** of subsection 8 in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

~~{9-}~~ **10.** *If a candidate fails to make all disclosures required pursuant to paragraph (a) of subsection 8 before the closing of the prescribed period for nominations for membership on the executive board, the association may:*

(a) Reject his or her nomination as a candidate for membership on the executive board; or

(b) If the association has reason to believe that a potential conflict of interest exists, distribute the disclosure, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association.

11. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

~~{10-}~~ **12.** An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~{11-}~~ **13.** Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest

community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~{12}~~ **14.** An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~{13. — A}~~

15. An eligible candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information;

and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~{11}~~ **13** or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➔ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

~~{14.}~~ **16.** An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~{13.}~~ **15.**

~~{15.}~~ **17.** Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project, the *association shall review and compare the initial bids for the association project and, after such a review and comparison, may request any of the bidders to submit a revised bid to ensure that the bids received are consistent with respect to the specified services or goods being purchased by the association.*

2. *If an association requests a revised bid from a bidder pursuant to subsection 1, the association shall explain to the bidder the way in which the bid needs to be revised, including, without limitation, any specifications needed in the revised bid. Any revised bids received by the association must not be sealed and must be* opened during a meeting of the executive board.

~~{2-}~~ 3. As used in this section, “association project” ~~{includes, without limitation,}~~ means a project that ~~{involves}~~ :

(a) *Involves* the maintenance, repair, replacement or restoration of any part of the common elements ; or ~~{which involves}~~

(b) *Involves* the provision of services to the association ~~{-}~~,
 ➔ *and costs \$2,500 or more or 10 percent or more of the total annual assessment made by the association.*

Sec. 3. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is ~~{\$45,000 or more but}~~ less than ~~{\$75,000,}~~ *\$150,000*, cause the financial statement of the association to be reviewed ~~{-}~~

~~—(1) Audited by an independent certified public accountant} {during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.~~

~~—(b) If the annual budget of the association is \$75,000 or more but less than \$150,000, cause the financial statement of the association to be reviewed} {at least once every 4 fiscal years; and~~

~~—(2) Reviewed} by an independent certified public accountant every fiscal year.~~

~~{(c)} {for which an audit is not conducted.}~~

(b) If the annual budget of the association is \$150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. ~~{Except as otherwise provided in this subsection, for} For any fiscal year, {for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1,}~~ the executive board of an association shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days

before the end of the fiscal year, ~~15~~ **51** percent of the total number of voting members of the association submit a written request for such an audit. ~~The provisions of this subsection do not apply to an association described in paragraph (c) of subsection 1.~~

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~1~~ **in accordance with generally accepted accounting principles in 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. 126.

Bill read second time.

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

Amendment No. 295.

AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a restaurant or similar retail food establishment that: (1) is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items; or (2) elects to be subject to the disclosure requirements, is required to disclose certain nutritional information about the menu items offered for sale by the restaurant or establishment. (21 U.S.C. § 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant or similar retail food establishment that is part of a chain with ~~10~~ **15** or more locations doing business within this State to disclose the same nutritional information that federal law requires a chain with 20 or more locations to disclose. **Section 2** of this bill provides a penalty for the owner or operator of any restaurant or similar retail food establishment who fails to make the required disclosure of nutritional information.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a restaurant or similar retail food establishment ~~that~~ shall comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto if the restaurant or similar retail food establishment:

(a) ~~That is~~ Is part of a chain with ~~10~~ 15 or more locations doing business within this State under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items;

(b) ~~That is~~ Is part of a chain with 20 or more locations doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items; or

(c) ~~Who elects~~ Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H)

~~shall ensure that the restaurant or similar retail food establishment complies with the provisions of 21 U.S.C. § 343(q)(5)(H) and shall~~

2. An owner or operator of a restaurant or similar retail food establishment who is required to comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to subsection 1 shall post a notice in a conspicuous place in the restaurant or similar retail food establishment stating where a person may report any violation of this section.

~~2. For the purposes of this section and NRS 585.550, the provisions of 21 U.S.C. § 343(q)(5)(H) that apply to a restaurant or similar retail food establishment described in paragraph (b) or (c) of subsection 1 shall be deemed to apply to a restaurant or similar retail food establishment described in paragraph (a) of subsection 1.~~

3. The provisions of this section may be enforced by the health authority or the appropriate local law enforcement agency.

4. As used in this section:

(a) “Health authority” has the meaning ascribed to it in NRS 446.050.

(b) ~~“Similar retail food establishment” must, to the extent possible, be construed in a manner that is consistent with the provisions of 21 U.S.C. § 343(q)(5)(H) and any regulations adopted pursuant thereto.~~ “Restaurant food” means food that is served in restaurants or other establishments in which food is served for immediate human consumption.

(c) “Restaurant or similar retail food establishment”:

(1) Except as otherwise provided in subparagraph 2, means a retail establishment that offers for sale restaurant or restaurant-type food, where the establishment presents itself or has presented itself publicly as a

restaurant, or a total of more than 50 percent of the gross floor area of the establishment is used for the preparation, purchase, service, consumption or storage of food; or

(2) If the term is defined in federal regulations for the purposes of 21 U.S.C. § 343(q)(5)(H), has the meaning ascribed to it in such federal regulations.

(d) "Restaurant-type food" means a type of restaurant food offered for sale but not for immediate consumption that is processed and prepared primarily in a retail establishment and not offered for sale outside of the establishment.

Sec. 2. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. *The owner or operator of a restaurant or similar retail food establishment who violates section 1 of this act is guilty of a misdemeanor and shall be punished:*

(a) For the first offense within the immediately preceding 5 years, by a fine of not less than \$50 but not more than \$500;

(b) For the second offense within the immediately preceding 5 years, by a fine of not less than \$100 but not more than \$1,000; and

(c) For the third or subsequent offense within the immediately preceding 5 years, by a fine of not less than \$250 but not more than \$2,500.

↪ For the purposes of this subsection, any number of offenses discovered in a single day constitute a single offense.

3. In lieu of prosecution for a misdemeanor pursuant to subsection 2, the health authority, as defined in NRS 446.050, may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties in an amount not to exceed the amounts set forth in subsection 2 for violations of the provisions of section 1 of this act.

4. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.

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. 129.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 92.

SUMMARY—Provides for the issuance of special license plates honoring peace officers who have received certain medals ~~or~~ or the equivalent thereof. (BDR 43-154)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring peace officers who have received certain medals ~~or~~ or the equivalent thereof; setting forth the requirements for a person to qualify for the issuance of the special license plates; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor peace officers who have received one of several specified medals ~~or~~ or the equivalent thereof. The special license plates may be issued to a peace officer who has received one of those medals, or the equivalent thereof, or to a family member of a peace officer who received posthumously the Medal of Honor ~~or~~ , or the equivalent thereof. Unless the special license plates are lost or stolen, in which case a \$5 fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. **Section 1 clarifies further that the event leading to the issuance of one of the several specified medals, or the equivalent thereof, may have occurred before, on or after July 1, 2013.**

Under existing law, most special license plates: (1) must be approved by the Commission on Special License plates; (2) are subject to a limitation of not more than 30 separate designs of special license plates which the Department of Motor Vehicles may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 3-5** of this bill exempt the special license plates honoring peace officers who have received certain medals ~~or~~ or the equivalent thereof, from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemption provided in **sections 3-5**,

section 2 of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring peace officers.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, the Department shall design, prepare and issue license plates honoring peace officers who have received a medal specified in subsection 3 ~~4~~, or the equivalent thereof.*

2. *Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the person. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.*

3. *The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is:*

(a) A current or former peace officer who has received one or more of the following medals, or the equivalent thereof, for his or her service as a peace officer:

- (1) The Medal of Honor;*
- (2) The Purple Heart;*
- (3) The Medal of Valor;*
- (4) The Lifesaving Medal;*
- (5) The Meritorious Service Medal; or*
- (6) The Distinguished Service Medal; or*

(b) A family member of a person who was:

- (1) Killed in the line of duty while serving as a peace officer; and*
- (2) Awarded posthumously the Medal of Honor or the equivalent thereof, for his or her actions as a peace officer.*

4. *A qualifying event described in subsection 3 that entitles a person to special license plates issued pursuant to the provisions of this section is a qualifying event regardless of whether the event occurs or occurred before, on or after July 1, 2013.*

5. *If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) *Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or*

(b) *Within 30 days after removing the plates from the vehicle, return them to the Department.*

~~5.1~~ 6. *Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$5.*

~~6.1~~ 7. *As used in this section:*

(a) *“Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.*

(b) *“Killed in the line of duty while serving as a peace officer” includes peace officers who:*

(1) *Are killed directly in the line of duty; and*

(2) *Die as a result of injuries sustained in the line of duty.*

(c) *“Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
 - (b) Receive compensation from the Department for the performance of those services;
 - (c) Accept applications for the renewal of registration of a motor vehicle;
- or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

- (1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**; or
 - (2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

- (a) The expedient and secure issuance of license plates and decals by the Department; and
- (b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

- (a) Five Legislators appointed by the Legislative Commission:

- (1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

- (2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

- (b) Three nonvoting members consisting of:

- (1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➡ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~or~~ **or section 1 of this act.**

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 4. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, **or section 1 of this act**, a license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~Except as otherwise provided in subsection 6, if,~~ **If**, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➡ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➡ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 5. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~or~~ **section 1 of this act.**

Sec. 6. ~~The~~ As soon as practicable after July 1, 2013, the Department of Motor Vehicles shall design the special license plates described in section 1 of this act in cooperation with interested parties.

Sec. 7. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 206.

AN ACT relating to crimes; establishing the crime of involuntary servitude of a minor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of holding a person in involuntary servitude and provides that a person who holds another person in involuntary servitude is guilty of a category B felony. If a victim held in involuntary servitude suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000. If the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000. (NRS 200.463)

Section 2 of this bill establishes the crime of holding a minor in involuntary servitude and provides that a person who holds a minor in

involuntary servitude is guilty of a category A felony and is punished by life imprisonment with the possibility of parole when a minimum of 15 years has been served. **Sections 3, 4, 8 and 14** of this bill provide that a person found guilty of holding a minor in involuntary servitude is subject to the greater penalty for that crime if the act of holding the minor in involuntary servitude could subject the person to a lesser punishment under another statute. **Sections 1, 6, 7 and 9-11** of this bill add references to **section 2** so that the crime of holding a minor in involuntary servitude is treated the same as the crime of holding a person in involuntary servitude for certain purposes, including, without limitation, the habitual felon statute and civil forfeiture. **Section 13** of this bill adds the crime of holding a minor in involuntary servitude to the list of offenses that constitute a crime against a child, thereby requiring a person convicted of holding a minor in involuntary servitude to register with law enforcement as an offender convicted of a crime against a child.

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

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

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, *and section 2 of this act*, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

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

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

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

Sec. 2. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor or provides care for any length of time to a minor and who knowingly:

(a) Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in physical injury to the minor, sexual abuse of the minor ~~for~~ or sexual assault of the minor pursuant to NRS 200.366 ; or ~~statutory sexual seduction of the minor pursuant to NRS 200.368; or~~

(b) Benefits, financially or by receiving anything of value ~~for~~ other than sexual gratification from the labor or services obtained by the conduct specified in paragraph (a),

↪ is guilty of holding a minor in involuntary servitude.

2. A person who is found guilty of holding a minor in involuntary servitude is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of at least \$50,000.

3. Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section.

4. Nothing in this section shall be construed to prohibit a parent or guardian of a child from requiring his or her child to perform common household chores under the threat of the reasonable exercise of discipline by the parent or guardian of the child.

5. For the purposes of this section:

(a) "Physical injury" includes, without limitation:

(1) A sprain or dislocation;

(2) Damage to cartilage;

(3) A fracture of a bone or the skull;

(4) An injury causing an intracranial hemorrhage or injury to another internal organ;

(5) ~~A burn or scalding;~~

~~(6) A cut, laceration, puncture or bite;~~

~~(7)~~ Permanent or temporary disfigurement ~~for~~ , including, without limitation, a burn, scalding, cut, laceration, puncture or bite; or

~~[(9)]~~ **(6) Permanent or temporary loss or impairment of a part or organ of the body.**

(b) *“Serious harm” means any harm, whether physical or nonphysical, including, without limitation, psychological, financial or reputational harm, that is sufficiently serious, under the circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue to provide labor or services to avoid incurring that harm.*

(c) *“Sexual abuse” includes acts upon a child constituting:*

~~(1) Incest pursuant to NRS 201.180;~~

~~(2) Lewdness with a child pursuant to NRS 201.230;~~

~~[(3)]~~ **(2) Sado-masochistic abuse pursuant to NRS 201.262;**

~~[(4)]~~ **(3) Sexual assault pursuant to NRS 200.366;**

~~[(5) Statutory sexual seduction pursuant to NRS 200.368;~~

~~[(6)]~~ **(4) Open or gross lewdness pursuant to NRS 201.210; and**

~~[(7)]~~ **(5) Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child pursuant to NRS 200.5083.**

Sec. 3. NRS 200.463 is hereby amended to read as follows:

200.463 1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:

(a) Causing or threatening to cause physical harm to any person;

(b) Physically restraining or threatening to physically restrain any person;

(c) Abusing or threatening to abuse the law or legal process;

(d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(e) Extortion; or

(f) Causing or threatening to cause financial harm to any person,

→ is guilty of holding a person in involuntary servitude.

2. ~~[(A)]~~ **Unless a greater penalty is provided in section 2 of this act, a** person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished:

(a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

(b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a

minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

Sec. 4. NRS 200.464 is hereby amended to read as follows:

200.464 Unless a greater penalty is provided pursuant to NRS 200.468, **or section 2 of this act**, a person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or

2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463 ~~§~~ **or section 2 of this act**,
↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$50,000.

Sec. 5. NRS 200.468 is hereby amended to read as follows:

200.468 1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom the person knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:

(a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463 or 200.465 ~~§~~ **or section 2 of this act**;

(b) Violate any state or federal labor law, including, without limitation, 8 U.S.C. § 1324a; or

(c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons for illegal purposes and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

Sec. 6. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

↪ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or 484E.010 ~~or~~ **or section 2 of this act.**

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 7. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 **or section 2 of this act** by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

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

Sec. 8. NRS 127.300 is hereby amended to read as follows:

127.300 1. Except as otherwise provided in NRS 127.275, 127.285, 200.463, 200.464 and 200.465, **and section 2 of this act**, a person who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or

thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption or permanent free care is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The natural parents and the adopting parents are not accomplices for the purpose of this section.

Sec. 9. NRS 128.097 is hereby amended to read as follows:

128.097 If a parent of a child:

1. Engages in conduct that violates any provision of NRS 200.463, 200.464 or 200.465 ~~1-1~~ or **section 2 of this act; or**

2. Voluntarily delivers a child to a provider of emergency services pursuant to NRS 432B.630,

☛ the parent is presumed to have abandoned the child.

Sec. 10. NRS 128.106 is hereby amended to read as follows:

128.106 In determining neglect by or unfitness of a parent, the court shall consider, without limitation, the following conditions which may diminish suitability as a parent:

1. Emotional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time. The provisions contained in NRS 128.109 apply to the case if the child has been placed outside his or her home pursuant to chapter 432B of NRS.

2. Conduct toward a child of a physically, emotionally or sexually cruel or abusive nature.

3. Conduct that violates any provision of NRS 200.463, 200.464 or 200.465 ~~1-1~~ or **section 2 of this act.**

4. Excessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child.

5. Repeated or continuous failure by the parent, although physically and financially able, to provide the child with adequate food, clothing, shelter, education or other care and control necessary for the child's physical, mental and emotional health and development, but a person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

6. Conviction of the parent for commission of a felony, if the facts of the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

7. Unexplained injury or death of a sibling of the child.

8. Inability of appropriate public or private agencies to reunite the family despite reasonable efforts on the part of the agencies.

Sec. 11. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in NRS 176.0918, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. The court may grant a motion to vacate a judgment if:

(a) The judgment is a conviction for a violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 ~~to~~ **or section 2 of this act;** and

(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

6. In deciding whether to grant a motion made pursuant to subsection 5, the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.

7. If the court grants a motion made pursuant to subsection 5, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading; and

(b) May take any additional action that the court deems appropriate under the circumstances.

Sec. 12. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, **and section 2 of this act**, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 13. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. ***Involuntary servitude of a child pursuant to section 2 of this act, unless the offender is the parent or guardian of the victim.***

4. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.

~~4.~~ 5. An attempt to commit an offense listed in this section.

~~5.~~ 6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~6.~~ 7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 14. NRS 613.080 is hereby amended to read as follows:

613.080 1. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

2. It is unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in subsection 1.

3. It is unlawful for any corporation, company, person or persons to pay to any owner or agent of the owner of any such persons mentioned in subsection 1 any wages or compensation for the labor of such slaves or persons so bound by the contract to involuntary servitude.

4. Unless a greater penalty is provided in NRS 200.463, 200.464 or 200.468, ***or section 2 of this act***, a violation of any of the provisions of this section is a gross misdemeanor.

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. 165.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 94.

AN ACT relating to the Department of Motor Vehicles; limiting the purposes for which the Director of the Department is allowed to release certain personal information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Director of the Department of Motor Vehicles is allowed to release lists of license plate numbers and personally identifiable information that is requested by the presentation of a license plate number if a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle. (NRS 481.063) This bill ~~limits the release of such information to the context in which~~ **prohibits the Director from providing personal information ~~is requested~~ to individuals or companies for the purpose of ~~an advisory notice relating to the recall of a motor~~ marketing extended vehicle ~~or~~ warranties.**

Existing law also provides that if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director of the Department of Motor Vehicles may, under certain circumstances, release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use in the bulk distribution of surveys, marketing material or solicitations. (NRS 481.063) This bill eliminates the authority of the Director to release personal information for use in the bulk distribution of surveys, marketing material or solicitations.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose.

All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➡ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle ~~for~~ or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

- (1) The safety of drivers of motor vehicles;
- (2) Safety and thefts of motor vehicles;
- (3) Emissions from motor vehicles;
- (4) Alterations of products related to motor vehicles;
- (5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
- (6) Monitoring the performance of motor vehicles;
- (7) Parts or accessories of motor vehicles;
- (8) Dealers of motor vehicles; or
- (9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

~~[(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:~~

~~— (1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;~~

~~— (2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and~~

~~— (3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.]~~

7. Except as otherwise provided in paragraph (j) of subsection 6, **the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and** a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

↪ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

11. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

12. As used in this section:

(a) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(b) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 99.

AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain sellers or long-term lessors of a used vehicle to provide the buyer or long-term lessee of the vehicle with evidence of compliance certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles and complies with the requirements of the State Environmental Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that requirement for any motor vehicle sold at a consignment auction if the consignee: (1) informs the buyer that the buyer will be responsible for obtaining an emissions inspection or testing before the buyer may register the vehicle; ~~and~~ (2) posts a notice at the site of the auction stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction ~~1~~; **and (3) makes the vehicle available for inspection before the auction.**

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and 3~~ **and 3.5** of this act.

Sec. 2. *“Consignee” has the meaning ascribed to it in NRS 482.31772.*

Sec. 3. *“Consignment auction” means any transaction whereby the registered owner or lienholder of a vehicle, or an insurance company that has acquired a vehicle as part of a total loss settlement, agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell or attempt to sell the interest of the registered owner, ~~or~~ lienholder or insurance company in the vehicle ~~by means of a live auction with an auctioneer verbally calling for and accepting bids~~ at an auction that meets the requirements set forth in section 3.5 of this act.*

Sec. 3.5. 1. *To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:*

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.

Sec. 4. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act** do not apply to:

(a) Military tactical vehicles; or

(b) Replica vehicles.

2. As used in this section:

(a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) “Replica vehicle” means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1968 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➡ The term does not include a vehicle which has been restored to its original design by replacing parts.

Sec. 6. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Husband and wife; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. A consignee who is conducting a consignment auction which meets the requirements set forth in section 3.5 of this act if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle; ~~and~~

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the website on which the consignment auction is conducted, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction ~~for~~; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of section 3.5 of this act, at the primary place of business of the consignee conducting the consignment auction.

Sec. 7. NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;
2. Make, issue or use any imitation or counterfeit evidence of compliance;
3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act** or any regulation adopted by the Department of Motor Vehicles; or
4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

Sec. 8. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, **and sections 2, ~~and~~ 3 and 3.5 of this act**, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 207.

AN ACT relating to liens; authorizing owners of storage facilities to impose a reasonable late fee if rent for a storage space is not paid when due; ~~requiring a peace officer of a local law enforcement agency to remove a person residing in a storage facility within 24 hours after a request by the~~

~~owner of the storage facility;~~ authorizing the owner of a storage facility to deny an occupant access to his or her storage space if rent owed by the occupant remains unpaid for ~~15~~ **10** days or more; revising various provisions governing liens of owners of storage facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if rent for a storage space at a storage facility is due and unpaid, the owner of the storage facility has a lien on all personal property located in the storage space for the rent, labor or other charges incurred by the owner pursuant to a rental agreement and for those expenses reasonably incurred by the owner to preserve, sell or otherwise dispose of the personal property. (NRS 108.4753) Under existing law, the owner of the storage facility may sell this personal property to satisfy the lien. (NRS 108.4763, 108.477) **Section 3** of this bill authorizes the owner of a storage facility to impose a reasonable late fee for rent which is not paid when due if the rental agreement sets forth the amount of the late fee. Under **section 3**, a late fee is deemed to be reasonable if it is \$20 or 20 percent of the monthly rental amount, for each month of a late rental payment, whichever is greater. ~~1. and a rental agreement may provide for a greater late fee if the owner establishes that the amount of the late fee is reasonable.~~ **Section 6** of this bill provides that if a late fee is imposed on an occupant of a storage space, the late fee is included in the owner's lien.

Existing law prohibits a person from using a storage space at a storage facility as a residence and requires the owner of a storage facility to evict a person who is residing in a storage space. (NRS 108.475) Under existing law, a sheriff or constable of the county must remove the person from the storage space within 24 hours after receipt of an eviction order issued by a justice of the peace. (NRS 40.670) **Sections 5 and 9** of this bill repeal the requirement that the owner evict a person who is residing in a storage space at a storage facility. ~~and, instead, require a peace officer of a local law enforcement agency to remove a person who the peace officer has reasonable cause to believe is residing in a storage space at a storage facility within 24 hours after the owner of the storage facility requests that the local law enforcement agency remove the person.~~

Existing law provides that if any charges for rent or other items owed by the occupant of a storage space at a storage facility remain unpaid for 14 days or more, the owner of the storage facility may terminate the occupant's right to use the storage space for which charges are owed after providing certain notice to the occupant. (NRS 108.476) Existing law further provides that if the occupant fails to pay the total amount due by the date specified in a notice of lien from the owner of a storage facility, the owner may deny the occupant access to the storage space. (NRS 108.4763) **Sections 7 and 8** of

this bill remove the provisions of existing law authorizing the owner of a storage facility to deny access to a storage space and, instead, authorize the owner to deny access to a storage space for which an occupant owes any charge for rent or other items if the charge remains unpaid for ~~15~~ **10** days or more.

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

Section 1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Last known address” means the postal and electronic mail address, if any, provided by an occupant in the most recent rental agreement between the owner and the occupant, or the postal and electronic mail address, if any, provided by the occupant in a written notice sent to the owner with a change of the occupant’s address after the execution of the rental agreement.*

Sec. 3. 1. *An owner may impose a reasonable late fee for each month that an occupant does not pay rent for a storage space when due if the amount of late fee is stated in the rental agreement or an addendum to such an agreement.*

2. ~~Except as otherwise provided in this subsection, a~~ *A late fee of \$20 or 20 percent of the monthly rental amount, whichever is greater, for each month of a late rental payment shall be deemed to be a reasonable late fee and shall not constitute a penalty. [The amount of a late fee may be greater than the amount set forth in this subsection if the owner establishes that the amount of the late fee is reasonable.]*

3. *A late fee imposed pursuant to this section is not interest on a debt or a cost incurred by an owner in enforcing the owner’s lien pursuant to NRS 108.4763 or enforcing any other remedy provided by any statute or contract.*

4. *As used in this section, “late fee” means a fee or charge assessed by an owner for an occupant’s failure to pay rent for a storage space when due.*

Sec. 4. NRS 108.473 is hereby amended to read as follows:

108.473 As used in NRS 108.473 to 108.4783, inclusive, **and sections 2 and 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 108.4731 to 108.4748, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 108.475 is hereby amended to read as follows:

108.475 **1.** ~~[A person shall not] It is unlawful to~~ use a storage space at a facility for a residence. ~~[The owner of such a facility shall] [evict] [request that a local law enforcement agency remove any person who uses a storage~~

~~space at the facility as a residence .] [in the manner provided for in NRS 40.760.] [Not later than 24 hours after receiving a request from the owner, a peace officer of the local law enforcement agency must remove the person if the peace officer has reasonable cause to believe the person is using the storage space for a residence. The peace officer shall not remove the person's personal property from the facility.]~~

2. A facility shall not be deemed to be a warehouse or a public utility.

3. If an owner of a facility issues a warehouse receipt, bill of lading or other document of title for the personal property stored in a storage space at the facility, the owner and **the** occupant are subject to the provisions of NRS 104.7101 to 104.7603, inclusive, and the provisions of NRS 108.473 to 108.4783, inclusive, **and sections 2 and 3 of this act** do not apply.

Sec. 6. NRS 108.4753 is hereby amended to read as follows:

108.4753 1. The owner of a facility and the owner's heirs, assignees or successors have a possessory lien, from the date the rent for a storage space at the facility is due and unpaid, on all personal property, including protected property, located in the storage space for the rent, **late fees imposed pursuant to section 3 of this act**, labor or other charges incurred by the owner pursuant to a rental agreement and for those expenses reasonably incurred by the owner to preserve, sell or otherwise dispose of the personal property.

2. Any lien created by a document of title for a motor vehicle or boat has priority over a lien attaching to that motor vehicle or boat pursuant to NRS 108.473 to 108.4783, inclusive.

Sec. 7. NRS 108.476 is hereby amended to read as follows:

108.476 1. **If any charges for rent or other items owed by the occupant remain unpaid for ~~5~~ 10 days or more, the owner may deny the occupant access to the storage space at the facility for which charges are owed.**

2. If any charges for rent or other items owed by the occupant remain unpaid for 14 days or more, the owner may terminate the occupant's right to use the storage space at the facility, for which charges are owed, not less than 14 days after sending a notice by verified mail ~~and~~ or, if available, **by** electronic mail to the occupant at his or her last known address and to the alternative address provided by the occupant in the rental agreement. The notice must contain:

(a) An itemized statement of the amount owed by the occupant at the time of the notice and the date when the amount became due;

(b) The name, address and telephone number of the owner or the owner's agent;

(c) A statement that the occupant's right to use the storage space will terminate on a specific date unless the occupant pays the amount owed to the owner; and

(d) A statement that upon the termination of the occupant's right to occupy the storage space and after the date specified in the notice, an owner's lien pursuant to NRS 108.4753, will be imposed.

~~{2. For the purposes of this section, "last known address" means the postal and electronic mail address, if any, provided by the occupant in the most recent rental agreement between the owner and occupant, or the postal and electronic mail address, if any, provided by the occupant in a written notice sent to the owner with a change of the occupant's address after the execution of the rental agreement.}~~

Sec. 8. NRS 108.4763 is hereby amended to read as follows:

108.4763 1. After the notice of the lien is mailed by the owner, if the occupant fails to pay the total amount due by the date specified in the notice, the owner may:

(a) ~~{Deny the occupant access to the storage space.}~~
~~—(b)—~~ Enter the storage space and remove the personal property within it to a safe place.

~~{(c)}~~ **(b)** Dispose of, but may not sell, any protected property contained in the storage space in accordance with the provisions of subsection 5 if the owner has actual knowledge of such protected property. If the owner disposes of the protected property in accordance with the provisions of subsection 5, the owner is not liable to the occupant or any other person who claims an interest in the protected property.

~~{(d)}~~ **(c)** If the personal property upon which the lien is claimed is a motor vehicle, boat or personal watercraft, and rent and other charges related to such property remain unpaid or unsatisfied for 60 days, have the property towed by any tow car operator subject to the jurisdiction of the Nevada Transportation Authority. If a motor vehicle, boat or personal watercraft is towed pursuant to this paragraph, the owner is not liable for any damages to such property once the tow car operator takes possession of the motor vehicle, boat or personal watercraft.

2. The owner shall send to the occupant a notice of a sale to satisfy the lien by verified **mail or, if available, by electronic** mail at the last known address of the occupant and at the alternative address provided by the occupant in the rental agreement at least 14 days before the sale. ~~{The}~~ **If the notice is sent by electronic mail and no confirmation of receipt is received, the** owner shall also send such notice to the occupant by ~~{electronic}~~ **verified** mail at the last known ~~{electronic mail}~~ address of the occupant . ~~{, if any.}~~
 The notice must contain:

(a) A statement that the occupant may no longer use the storage space and no longer has access to the occupant's personal property stored therein;

(b) A statement that the personal property of the occupant is subject to a lien and the amount of the lien;

(c) A statement that the personal property will be sold or disposed of to satisfy the lien on a date specified in the notice, unless the total amount of the lien is paid or the occupant executes and returns by verified mail, the declaration in opposition to the sale; and

(d) A statement of the provisions of subsection 3.

3. Proceeds of the sale over the amount of the lien and the costs of the sale must be retained by the owner and may be reclaimed by the occupant or the occupant's authorized representative at any time up to 1 year from the date of the sale.

4. The notice of the sale must also contain a blank copy of a declaration in opposition to the sale to be executed by the occupant if the occupant wishes to do so.

5. The owner may dispose of protected property contained in the storage space by taking the following actions, in the following order of priority, until the protected property is disposed of:

(a) Contacting the occupant and returning the protected property to the occupant.

(b) Contacting the secondary contact listed by the occupant in the rental agreement and returning the protected property to the secondary contact.

(c) Contacting any appropriate state or federal authorities, including, without limitation, any appropriate governmental agency, board or commission listed by the occupant in the rental agreement pursuant to NRS 108.4755, ascertaining whether such authorities will accept the protected property and, if such authorities will accept the protected property, ensuring that the protected property is delivered to such authorities.

(d) Destroying the protected property in an appropriate manner which is authorized by law and which ensures that any confidential information contained in the protected property is completely obliterated and may not be examined or accessed by the public.

Sec. 9. NRS 40.760 is hereby repealed.

TEXT OF REPEALED SECTION

40.760 Summary eviction of person using space in facility for storage as residence.

1. When a person is using a storage space at a facility as a residence, the owner or the owner's agent shall serve or have served a notice in writing which directs the person to cease using the storage space as a residence no later than 24 hours after receiving the notice. The notice must advise the person that:

(a) NRS 108.475 requires the owner to ask the court to have the person evicted if the person has not ceased using the storage space as a residence within 24 hours; and

(b) The person may continue to use the storage space to store the person's personal property in accordance with the rental agreement.

2. If the person does not cease using the storage space as a residence within 24 hours after receiving the notice to do so, the owner of the facility or the owner's agent shall apply by affidavit for summary eviction to the justice of the peace of the township wherein the facility is located. The affidavit must contain:

(a) The date the rental agreement became effective.

(b) A statement that the person is using the storage space as a residence.

(c) The date and time the person was served with written notice to cease using the storage space as a residence.

(d) A statement that the person has not ceased using the facility as a residence within 24 hours after receiving the notice.

3. Upon receipt of such an affidavit the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the person within 24 hours after receipt of the order. The sheriff or constable shall not remove the person's personal property from the facility.

4. For the purposes of this section:

(a) "Facility" means real property divided into individual storage spaces. The term does not include a garage or storage area in a private residence.

(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 309.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring ~~for a child who is sentenced to a term of imprisonment to serve the term in a state juvenile detention facility until he or she reaches the age of 18 years; providing for parole eligibility at the age of 25 years for certain prisoners;~~ the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder ~~and~~ attempted murder ~~, offenses or attempted offenses involving the use or threatened use of a firearm which are committed by certain juveniles who were 16 years of age or older when the offense or attempted offense was committed, certain felonies resulting in death or substantial bodily harm to the victim which involve school property or school-related activities, and other serious offenses.~~ (NRS 62B.330) **Section 1** of this bill provides that ~~(1)~~ murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~16~~ **12** years of age or older when he or she committed the offense ~~, (2) offenses or attempted offenses involving the use or threatened use of a firearm committed by certain children who were 16 years of age or older when the offense or attempted offense was committed are not excluded from the jurisdiction of the juvenile court; and (3) certain felonies resulting in death or substantial bodily harm to the victim which involve school property or school-related activities are not excluded from the jurisdiction of the juvenile court.~~

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to

petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding.

~~[Section 3 of this bill requires a person who is less than 18 years of age and who is sentenced as an adult to a term of imprisonment for committing a crime to serve the term in a state juvenile detention facility until the person reaches the age of 18 years, unless the court determines that he or she may be dangerous to another juvenile.~~

~~Section 4 of this bill provides that certain prisoners who were sentenced to terms of imprisonment as an adult for nonhomicide crimes they committed when they were less than 18 years of age become eligible for release from prison on parole at the age of 25 years.]~~

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

- (a) Violates a county or municipal ordinance;
- (b) Violates any rule or regulation having the force of law; or
- (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~if the person was 16~~ **if the person was 12 years of age or older when the murder or attempted murder was committed.**

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) ~~(d)~~ Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~{a}~~ :

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~{f}~~ ; or

(b) *A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,*

↪ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. ~~{Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If a person who is less than 18 years of age is sentenced to serve a term of imprisonment in the state prison, the court must order the person to be housed in a state facility for the detention of children until he or she reaches the age of 18 years, except that the court may order the person to be immediately placed in the custody of the Department of Corrections if the court determines that the person may present a danger to others in the state facility for the detention of children.~~

~~2. As soon as practicable after a person who is housed in a state facility for the detention of children pursuant to subsection 1 reaches the age of 18 years, the state facility for the detention of children shall transfer the person to the custody of the Department of Corrections.~~

~~3. As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.~~ (Deleted by amendment.)

Sec. 4. ~~[Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Unless eligible for parole sooner pursuant to this section and NRS 213.107 to 213.157, inclusive, a prisoner who was convicted of one or more nonhomicide crimes committed when the prisoner was less than 18 years of age is eligible for parole when the prisoner reaches 25 years of age, regardless of whether the prisoner has served the minimum term of imprisonment to which he or she was sentenced and regardless of whether a concurrent or consecutive sentence remains to be served, if the prisoner was sentenced to:~~

~~(a) A minimum term of imprisonment of not less than 10 years; or~~

~~(b) A minimum aggregate sentence of not less than 10 years.~~

~~2. A prisoner described in subsection 1 is eligible for release on parole upon reaching 25 years of age if:~~

~~(a) The prisoner has completed a program of general education or an industrial or vocational training program, unless this requirement has been waived because of the prisoner's disability as shown by:~~

~~(1) The individualized education program of the prisoner;~~

~~(2) The accommodation plan of the prisoner created pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794; or~~

~~(3) A psychological evaluation of the prisoner;~~

~~(b) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and~~

~~(c) The prisoner has not, within the immediately preceding 24 months:~~

~~(1) Committed a major violation of the regulations of the Department of Corrections; or~~

~~(2) Been housed in disciplinary segregation.~~

~~3. If the Board grants parole to a prisoner pursuant to this section:~~

~~(a) The Board must prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.~~

~~(b) The parolee must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, and section 4 of this act, unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~6. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief. } (Deleted by amendment.)~~

Sec. 6. ~~{NRS 213.1213 is hereby amended to read as follows:~~

~~213.1213 1. If a prisoner is sentenced pursuant to NRS 176.035 to serve two or more concurrent sentences, whether or not the sentences are identical in length or other characteristics, eligibility for parole from any of the concurrent sentences must be based on the sentence which requires the longest period before the prisoner is eligible for parole.~~

~~2. Notwithstanding any other provision of law, if a prisoner is sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences of life imprisonment with the possibility of parole:~~

~~(a) For offenses committed on or after July 1, 2009:~~

~~(1) All minimum sentences for such offenses must be aggregated;~~

~~(2) The prisoner shall be deemed to be eligible for parole from all such sentences after serving the minimum aggregate sentence; and~~

~~(3) The Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate sentence [.] , unless the prisoner becomes eligible for parole pursuant to section 4 of this act.~~

~~(b) For offenses committed before July 1, 2009, in cases in which the prisoner has not previously been considered for parole for any such offenses:~~

~~(1) The prisoner may, by submitting a written request to the Director of the Department of Corrections, make an irrevocable election to have the minimum sentences for such offenses aggregated; and~~

~~(2) If the prisoner makes such an irrevocable election to have the minimum sentences for such offenses aggregated, the Board is not required~~

~~to consider the prisoner for parole until the prisoner has served the minimum aggregate sentence [.] , unless the prisoner becomes eligible for parole pursuant to section 4 of this act.] (Deleted by amendment.)~~

~~Sec. 7. [NRS 213.122 is hereby amended to read as follows:
213.122 The Chief shall develop a statewide plan for the strict supervision of parolees released pursuant to NRS 213.1215 [.] or section 4 of this act. In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.] (Deleted by amendment.)~~

~~Sec. 8. [NRS 213.1519 is hereby amended to read as follows:
213.1519 1. Except as otherwise provided in subsection 2, a parolee whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:
(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and
(b) Must serve such part of the unexpired maximum term of his or her original sentence as may be determined by the Board.
* The Board may restore any credits forfeited under this subsection.
2. A parolee released on parole pursuant to NRS 213.1215 and section 4 of this act whose parole is revoked for having been convicted of a new felony:
(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;
(b) Must serve the entire unexpired maximum term of his or her original sentence; and
(c) May not again be released on parole during his or her term of imprisonment.] (Deleted by amendment.)~~

~~Sec. 9. [The amendatory provisions of:
1. Section 3 of this act apply to a person convicted of a crime on or after October 1, 2013.
2. Section 4 of this act apply to a person convicted of a crime before, on or after October 1, 2013.] (Deleted by amendment.)~~

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following nine voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a mental health professional.

(h) One member who is a representative from an organization that advocates on behalf of juveniles.

(i) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when

the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 1 to 9, inclusive, of this act become effective on October 1, 2013.

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. 256.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 131.

AN ACT relating to motorcycles; revising provisions pertaining to trimobiles; revising provisions relating to the equipment that is required on a motorcycle or moped operating on the highways of this State; revising provisions concerning the protective equipment that a person is required to wear when driving or riding on a motorcycle or moped; increasing the amount the Director of the Department of Public Safety is authorized to charge for a course of motorcycle safety; revising other provisions related to certain courses of motorcycle safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a trimobile is required to hold a driver's license, but is not required to hold a motorcycle driver's license or a driver's license with a motorcycle endorsement. (NRS 486.061) Existing law also requires a person driving or riding on a trimobile to wear protective glasses, goggles or a face shield, but does not require such a person to wear protective headgear. (NRS 486.231) A trimobile is defined in existing law as a motor vehicle designed to travel with three wheels in contact with the ground, two of which are power driven. (NRS 482.129, 486.057) **Sections 1**

and 2 of this bill revise the definition of trimobile by removing the requirement that two of the wheels be power driven ~~and~~ **and by excluding from the definition a motorcycle with a sidecar.**

Existing law requires the Department of Motor Vehicles to adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by drivers and passengers of motorcycles, and transparent windscreens for motorcycles. (NRS 486.231) **Section 3** of this bill removes the requirement for the Department to adopt standards for protective glasses, goggles, face shields and transparent windscreens.

Existing law requires a motorcycle or moped that is driven on the highways of this State to be equipped with certain equipment, including, for example, head lamps and rear reflectors, and provides for height restrictions for handlebars. (NRS 486.201, 486.281, 486.291) **Section 4** of this bill increases the maximum number of allowable head lamps on a motorcycle or moped, **section 5** of this bill removes the minimum height requirement for rear reflectors on a motorcycle or moped, and **section ~~4.1~~ 2.5** of this bill ~~repeals~~ **revises** the restriction on the height of the handlebars on a motorcycle or moped.

Existing law requires the Director of the Department of Public Safety to establish a Program for the Education of Motorcycle Riders and provides that money in the Account for the Program may be used to pay the expenses of the Program or for any other purpose authorized by the Legislature. (NRS 486.372) **Section 6** of this bill removes the authorization for money in the Account to be used for any other purpose authorized by the Legislature. Existing law also authorizes certain residents of this State to enroll in the Program and authorizes the Director to establish a fee of not more than \$100 for the Program. (NRS 486.373) **Section 7** of this bill raises the limit of the fee to ~~\$200~~ **\$150** and allows for the enrollment in the Program of a person who is ~~an~~ **an active duty** member of the Armed Forces of the United States stationed at a military installation located in this State and who is authorized by ~~the person's~~ **any** state ~~of residency~~ to drive a motorcycle ~~or~~ **or who is eligible to apply for such authorization from any state.**

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

Section 1. NRS 482.129 is hereby amended to read as follows:

482.129 "Trimobile" means every motor vehicle designed to travel with three wheels in contact with the ground . ~~two of which are power driven.~~ **The term does not include an electric bicycle, a farm tractor ~~or~~, a moped ~~or~~ or a motorcycle with a sidecar.**

Sec. 2. NRS 486.057 is hereby amended to read as follows:

486.057 1. “Trimobile” means every motor vehicle designed to travel with three wheels in contact with the ground . ~~[- two of which are power driven.]~~

2. *The term does not include:*

(a) *An electric bicycle, as that term is defined in NRS 482.0287;*

(b) *A farm tractor, as that term is defined in NRS 482.035; ~~for~~*

(c) *A moped ~~[-]~~ ; or*

(d) *A motorcycle with a sidecar.*

Sec. 2.5. NRS 486.201 is hereby amended to read as follows:

486.201 A person shall not drive a motorcycle or moped equipped with handlebars which extend more than 6 inches above the uppermost portion of the driver’s shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.

Sec. 3. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear ~~[-and protective glasses, goggles or face shields]~~ to be worn by the drivers and passengers of motorcycles . ~~[-and transparent windscreens for motorcycles.]~~

2. Except as provided in this section, when any motorcycle, except a trimobile or moped, is being driven on a highway, the driver and passenger shall wear protective headgear **which meets those standards**, securely fastened on the head , and protective glasses, goggles or face shields . ~~[-meeting those standards.]~~ Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields . ~~[-which meet those standards.]~~

3. When a motorcycle or a trimobile is equipped with a transparent windscreen , ~~[-meeting those standards,]~~ the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 4. NRS 486.281 is hereby amended to read as follows:

486.281 1. Every motorcycle or moped shall be equipped with at least one and not more than ~~[-two]~~ **four** head lamps.

2. Every such head lamp on a motorcycle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground as measured from the center of the lamp to the level ground upon which such motorcycle stands without a load.

Sec. 5. NRS 486.291 is hereby amended to read as follows:

486.291 1. Every motorcycle or moped shall carry on the rear at least one reflector, which shall be mounted at a height not ~~less than 20 inches nor~~ more than 60 inches from the ground as measured from the center of the reflector to the level ground upon which such motorcycle or moped stands without a load.

2. Each such reflector shall be of a size and character and so mounted as to be visible at night from all distances within 300 feet when directly in front of lawful lower beams of head lamps.

Sec. 6. NRS 486.372 is hereby amended to read as follows:

486.372 1. The Director shall:

- (a) Establish the Program.
- (b) Appoint an Administrator to carry out the Program.
- (c) Consult regularly with the Advisory Committee for Motorcycle Safety concerning the content and implementation of the Program.
- (d) Approve courses of instruction provided by public or private organizations which comply with the requirements established for the Program.
- (e) Adopt rules and regulations which are necessary to carry out the Program.

2. The Director may contract for the provision of services necessary for the Program.

3. The money in the Account for the Program for the Education of Motorcycle Riders may be used ~~for~~:

- ~~—(a) To pay the expenses of the Program, including reimbursement to instructors licensed pursuant to NRS 486.375 for services provided for the Program . ~~for~~ or~~
- ~~—(b) For any other purpose authorized by the Legislature.]~~

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

Sec. 7. NRS 486.373 is hereby amended to read as follows:

486.373 1. A **person who:**

(a) **Is a** resident of this State who holds a motorcycle driver's license or a motorcycle endorsement to a driver's license ~~for who is~~ ;

(b) **Is** eligible to apply for such a license or endorsement ; **or**

(c) **Is ~~not~~ an active duty member of the Armed Forces of the United States stationed at a military installation located in this State ~~and is authorized by the person's state of residency to drive a motorcycle,~~ who holds a motorcycle driver's license or motorcycle endorsement to a driver's license issued by any state or who is eligible to apply for such a license or endorsement issued by any state,**

↪ may enroll in the Program.

2. The Director shall establish a fee of not more than ~~[\$100] [\$200] \$150~~ for the Program.

Sec. 8. ~~[NRS 486.201 is hereby repealed.] (Deleted by amendment.)~~

Sec. 9. This act becomes effective on July 1, 2013.

†

~~TEXT OF REPEALED SECTION~~

~~486.201 Height of handlebar. A person shall not drive a motorcycle or moped equipped with handlebars which extend above the uppermost portion of the driver's shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.]~~

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 271.

AN ACT relating to education; revising the membership and duties of the P-16 Advisory Council; **renaming the Council the P-20W Advisory Council**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the P-16 Advisory Council, consisting of 11 voting members appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly **and 2 ex officio nonvoting members**, and prescribes the duties of the Council. (NRS 400.030, 400.040) **Section 1** of this bill **makes the Director of the Department of Employment, Training and Rehabilitation an ex officio nonvoting member of the Council and** revises the qualifications of one of the five members who is appointed by the Governor to require that the member be a person who possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten. **Section 1** also increases the pool of qualified persons from which the Majority Leader of the Senate and the Speaker of the Assembly, respectively, may appoint a member to the Council to include a person who possesses knowledge of and experience in early childhood education programs and services for children from birth through prekindergarten.

~~[The State Board of Education has adopted a set of national education standards for English language arts and mathematics, commonly referred to~~

~~as the “Common Core Standards.”]~~ **Section 2** of this bill revises the duties of the Council by requiring the Council to address ~~[the extent to which recent graduates of institutions which are part of the Nevada System of Higher Education who are employed as teachers in public schools are able to understand and instruct pupils in the curriculum and instruction required for the common core state standards adopted by the State Board.]~~ **(1) methods to ensure the successful transition of children from early childhood education programs to elementary school; (2) the development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the state’s workforce; and (3) a plan for collaborative research using data from that statewide longitudinal data system.**

As a result of the expansion of its membership and duties, the Council is renamed the P-20W Advisory Council.

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

Section 1. NRS 400.030 is hereby amended to read as follows:

400.030 1. The ~~[P-16]~~ **P-20W** Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination between ~~[elementary, secondary and higher]~~ **early childhood education programs, K-12 public education, postsecondary education and the workforce** in this State. The Chancellor of the System, ~~[and]~~ the Superintendent of Public Instruction **and the Director of the Department of Employment, Training and Rehabilitation** serve as ex officio nonvoting members of the Council.

2. The Governor shall appoint five members to the Council as follows:

- (a) One representative of higher education in this State.
- (b) One representative of elementary and secondary education in this State.
- (c) One representative of private business in this State.
- (d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.

(e) One person who ~~[meets the qualifications of paragraph (a), (b) or (c).]~~ **possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten.**

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members to the Council as follows:

- (a) One member of the House of the Legislature that he or she represents.

(b) One person who meets the qualifications of paragraph (a), (b), ~~for~~ (c) **or (e)** of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chair and a Vice Chair from among the members of the Council. After the initial term, the Chair and Vice Chair serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his or her successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chair:

(a) Forfeits his or her office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 2. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) **Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.**

~~(c) Methods to ensure the successful transition of pupils from:~~

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education ~~or the workforce, or both,~~

↪ including, without limitation, methods to increase parental involvement.

~~[(c) Methods to ensure that the data information system for the pupils enrolled in the public schools is linked, to the extent feasible, with the data information system for the students enrolled in the System.]~~

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) ~~The extent to which persons who are recent graduates of the universities, colleges or community colleges which are part of the System and who are employed as teachers in public schools are able to understand and instruct pupils in the curriculum and instruction required for the common core state standards adopted by the State Board.~~ The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:

(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;

(2) The effectiveness of the preparation of teachers and administrators in this State; and

(3) The return on investment of educational and workforce development programs paid for by this State.

~~(h)~~ (i) Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 3. 1. Notwithstanding the provisions of subsection 6 of NRS 400.030, the term of the member of the P-16 Advisory Council appointed by the Governor pursuant to paragraph (e) of subsection 2 of NRS 400.030 who is incumbent on June 30, 2013, expires on that date.

2. On or before July 1, 2013, the Governor shall appoint to the ~~P-16~~ **P-20W** Advisory Council one member who meets the qualifications set forth in paragraph (e) of subsection 2 of NRS 400.030, as amended by section 1 of this act, to a term which commences on July 1, 2013, and expires on June 30, 2016.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 250.

AN ACT relating to real property; **creating the Contingency Account for the Foreclosure Mediation Program;** revising provisions governing enrollment in the Foreclosure Mediation Program; **revising provisions governing the foreclosure of liens by an association of a common-interest community;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) One such restriction requires the trustee under the deed of trust to include with the copy of the notice of default and election to sell which is mailed to the homeowner: (1) a notice provided by the Foreclosure Mediation Program Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation ~~to~~ **under rules adopted by the Nevada Supreme Court;** and (2) a form on which a homeowner may request **such** mediation ~~under rules adopted by the Nevada Supreme Court.~~ Under existing law, a homeowner must elect to participate by: (1) completing and returning to the trustee a form upon which the homeowner elects to enter into mediation; and (2) paying his or her share of the fee established under the rules adopted by the Nevada Supreme Court. (NRS 107.080, 107.086)

This bill revises provisions governing enrollment in the Foreclosure Mediation Program. Under ~~sections 1 and 2~~ **sections 2 and 3** of this bill, a trustee under a deed of trust concerning owner-occupied housing must **, in addition to including certain information concerning the Foreclosure Mediation Program with the copy of the notice of default and election which is mailed to the homeowner, send that information** to the homeowner ~~the notice provided by the Mediation Administrator~~ concurrently with, but separately from, the copy of the notice of default and election to sell ~~, which is mailed to the homeowner pursuant to existing law.~~ **Section 3** further

provides that a homeowner will be enrolled in the Foreclosure Mediation Program unless: (1) he or she elects to waive mediation; or (2) fails to pay his or her share of the fee established under the rules adopted by the Nevada Supreme Court. If the homeowner waives mediation, fails to pay his or her share of the fee or, if the homeowner is enrolled in the Foreclosure Mediation Program, fails to appear at a scheduled mediation, the Mediation Administrator must provide to the trustee a certificate authorizing the continuation of the process to exercise the power of sale. **Section 3 also establishes deadlines by which the Mediation Administrator must provide certain information to the trustee.**

Section 1 of this bill creates the Contingency Account for the Foreclosure Mediation Program. Under section 1, the Supreme Court administers the Contingency Account and money in the Contingency Account must be expended only to carry out the Foreclosure Mediation Program.

Section 4 of this bill prohibits a homeowners' association from foreclosing its lien on a unit constituting owner-occupied housing while the unit's owner is eligible to participate or is participating in the Foreclosure Mediation Program.

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Contingency Account for the Foreclosure Mediation Program is hereby created in the State General Fund.

2. The Supreme Court shall administer the Contingency Account. The money in the Contingency Account must be expended only for the purpose of carrying out the provisions of NRS 107.086 and any rules adopted by the Supreme Court to carry out the provisions of NRS 107.086.

3. The Supreme Court may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

4. The interest and income earned on money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Contingency Account must be carried forward to the next fiscal year.

~~**Section 4.**~~ **Sec. 2. NRS 107.085 is hereby amended to read as follows:**

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

~~{YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!}~~

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

~~{State of Nevada Foreclosure Mediation Program _____}~~

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

~~{Sec. 2.}~~ **Sec. 3.** NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) ~~Includes with {Provides to the grantor or the person who holds the title of record the following information concurrently with, but separately from,}~~ the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record ~~has the right to seek~~ **will be enrolled to participate in** mediation pursuant to this section ~~if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 9;~~ and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election ~~to enter into mediation or~~ to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) **In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;**

(c) Serves a copy of the notice upon the Mediation Administrator; and

~~(c)~~ (d) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~4~~ 4 or ~~6~~ 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~7~~ 8 which provides that mediation has been completed in the matter.

3. ~~The~~ **If the** grantor or the person who holds the title of record **elects to waive mediation, he or she** shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee **and the Mediation Administrator** by certified mail, return receipt requested. If the grantor or the person who holds the title of record ~~indicates on the form an election to enter into mediation, the trustee~~ **does not elect to waive mediation, he or she shall, not later than 30 days after the service of**

the notice in the manner required by NRS 107.080, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9. Upon receipt of the share of the fee established pursuant to subsection 9 owed by the grantor or the person who holds title of record, the Mediation Administrator shall notify the ~~{beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090,}~~ *trustee*, by certified mail, return receipt requested, of the ~~{election of the grantor or the person who holds the title of record to enter into}~~ ***enrollment of the grantor or person who holds the title of record to participate in mediation pursuant to this section*** and ~~{file the form with the Mediation Administrator, who}~~ shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~{No}~~ ***The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.***

4. If the grantor or the person who holds the title of record indicates on the form ~~{required by}~~ ***described in subparagraph (4) of paragraph (a) of subsection 2*** an election to waive mediation or fails to ~~{return the form to the trustee}~~ ***pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9***, as required by ~~{this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service,}~~ ***subsection 3, the Mediation Administrator shall, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier,*** provide to the trustee a certificate which provides that no mediation is required in the matter.

~~{4.}~~ 5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~{8.}~~ 9. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or ~~{a}~~ ***his or her*** representative, ~~{shall attend the mediation if the grantor elected to enter into mediation,}~~ or the person who holds the title of record or ~~{a}~~ ***his or her***

representative, shall attend the mediation. ~~[If the person who holds the title of record elected to enter into mediation.]~~ The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

~~{5-}~~ 6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection ~~{4-}~~ 5 or does not have the authority or access to a person with the authority required by subsection ~~{4-}~~ 5, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

~~{6-}~~ 7. If the grantor or the person who holds the title of record ~~{elected to enter into mediation and}~~ ***is enrolled to participate in mediation pursuant to this section but*** fails to attend the mediation, the Mediation Administrator shall ***, not later than 30 days after the scheduled mediation,*** provide to the trustee a certificate which states that no mediation is required in the matter.

~~{7-}~~ 8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall ***, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated,*** provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

~~{8-}~~ 9. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than \$400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~{9-}~~ **10.** Except as otherwise provided in subsection ~~{11-}~~ **12**, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~{10-}~~ **11.** A noncommercial lender is not excluded from the application of this section.

~~{11-}~~ **12.** The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~{12-}~~ **13.** As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection ~~{8-}~~ **9**.

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

Sec. 4. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 4 ~~.1-1~~ **and 5**, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➡ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale if:

(a) The unit is owner-occupied housing encumbered by a deed of trust;

(b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and

(c) The trustee of record has not recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (d) of subsection 2 of NRS 107.086.

↪ As used in this subsection, "owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

~~{Sec. 3.}~~ Sec. 5. The amendatory provisions of this act apply only with respect to trust agreements for which a notice of default and election to sell is recorded on or after October 1, 2013.

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. 282.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 229.

AN ACT relating to motor vehicles; providing that certain persons may recover on the bond or deposit that each **broker**, manufacturer, distributor, dealer and rebuilder of motor vehicles is required to procure or make with the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each **broker**, manufacturer, distributor, dealer and rebuilder of motor vehicles is required to procure and file a surety bond with the Department of Motor Vehicles or make a deposit with the Department. Any person, including consumers as well as corporate entities, injured by the actions of such a **broker**, manufacturer, distributor, dealer or rebuilder is allowed to apply to the Director of the Department or to bring and maintain an action in any court of competent jurisdiction for compensation from the bond or deposit. (NRS **482.3333**, 482.345, 482.346)

Additionally, under existing case law in Nevada, the phrase "any person," as used in NRS 482.345(6), has been interpreted literally to allow any individual person or group of persons (including a finance company) who is injured by the actions of a **broker**, manufacturer, distributor, dealer or

rebuilder of motor vehicles to apply for compensation from the bond that section requires to be procured and filed. (*Western Sur. Co. v. ADCO Credit, Inc.*, 127 Nev. Adv. Op. No. 8, 251 P.3d 714 (Mar. 17, 2011)) This bill amends NRS ~~482.3333~~, 482.345 and 482.346 to provide that bonds procured pursuant to NRS ~~482.3333~~ and 482.345 and deposits made in lieu of such bonds pursuant to NRS 482.346 may be used to compensate only ~~an injured~~ a consumer, for any loss or damage established, and no other person.

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

Section 1. NRS 482.3333 is hereby amended to read as follows:

482.3333 1. Before a person may be licensed as a broker, the person must procure and file with the Department a good and sufficient bond in the amount of \$100,000 with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. The Department may allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond is for the use and benefit of the consumer and includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by any employee of the licensed broker who acts on behalf of the broker and within the scope of his or her employment.

5. The bond must provide that it is for the use and benefit of any ~~person injured by the action~~ consumer of the broker or an employee of the broker ~~in violation of any provision of this chapter may apply to the Director, for good cause shown, for compensation from the bond.~~ for any loss or damage established, including, without limitation:

- (a) Actual damages;
- (b) Consequential damages;
- (c) Incidental damages;
- (d) Statutory damages;
- (e) Damages for noneconomic loss; and

(f) Attorney's fees and costs.

☞ The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a ~~person is injured by the actions of~~ **consumer has a claim for relief against** a broker or an employee of the broker, the ~~person~~ **consumer** may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the ~~person~~ **consumer** to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the ~~injured person~~ **consumer** in the amount agreed upon in the settlement.

7. Any judgment entered by a court **in favor of a consumer and** against a broker or an employee of the broker may be executed through a writ of attachment, garnishment, execution or other legal process, or the ~~person~~ **consumer** in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or employee.

8. As used in this section, "consumer" means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

~~{Section 1.}~~ **Sec. 2.** NRS 482.345 is hereby amended to read as follows:

482.345 1. Before any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is

furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant or any employee who acts on behalf of the applicant within the scope of his or her employment shall conduct business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. The bond must be:

(a) For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells motorcycles, \$50,000.

(b) For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, \$100,000.

(c) For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, \$100,000.

(d) For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, \$50,000.

(e) For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, \$10,000.

2. The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if the business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

4. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

5. The undertaking on the bond is for the use and benefit of the consumer and includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative of any licensed distributor or the salesperson of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his or her behalf and within the scope of the employment of the representative or salesperson.

6. The bond must provide that it is for the use and benefit of any ~~person~~ **consumer** ~~injured by the action~~ of the dealer, distributor, rebuilder, manufacturer, representative or salesperson ~~in violation of any provisions of this chapter may apply to the Director, for good cause shown, for compensation from the bond.~~ for any loss or damage established, including, without limitation:

- (a) Actual damages;
- (b) Consequential damages;
- (c) Incidental damages;
- (d) Statutory damages;
- (e) Damages for noneconomic loss; and
- (f) Attorney's fees and costs.

➡ The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

7. If a ~~person~~ **consumer** ~~is injured by the actions of~~ has a claim for relief against a dealer, distributor, rebuilder, manufacturer, representative or salesperson, the ~~person~~ **consumer** may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the ~~person~~ **consumer** to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the ~~injured person~~ **consumer** in the amount agreed upon in the settlement.

8. Any judgment entered by a court **in favor of a consumer and** against a dealer, distributor, rebuilder, manufacturer, representative or salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the ~~person~~ **consumer** in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

9. The Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.

10. As used in this section, “consumer” means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

~~{Sec. 2.}~~ **Sec. 3.** NRS 482.346 is hereby amended to read as follows:

482.346 1. In lieu of a bond, an applicant may deposit with the Department, under terms prescribed by the Department:

(a) A like amount of lawful money of the United States or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by NRS 482.345 and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the amount accrues to the account of the applicant.

2. ~~{A}~~ **Except as otherwise provided in subsection 3, a** deposit made pursuant to subsection 1 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by the Director to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) A court order requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person or persons under whose name the deposit is made and acknowledged before any person authorized to take

acknowledgments in this State, requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

3. *A deposit made pursuant to subsection 1 in lieu of a bond required by NRS 482.345 may only be disbursed to compensate a consumer. As used in this subsection, "consumer" has the meaning ascribed to it in NRS 482.345.*

4. When a deposit is made pursuant to subsection 1, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding court judgment for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

- (a) Files an additional bond pursuant to subsection 1 of NRS 482.345;
- (b) Restores the deposit with the Department to the original amount required under this section; or
- (c) Satisfies the outstanding judgment for which the licensee is liable under the deposit.

~~4.1~~ 5. A deposit made pursuant to subsection 1 may be refunded:

- (a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or
- (b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

~~5.1~~ 6. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

~~Sec. 3.1~~ **Sec. 4.** This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 132.

AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation ~~regarding permits~~ **specifying the operational requirements** for certain signs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Directors of the Department of Transportation is required to prescribe regulations governing the issuance of permits for advertising signs, displays or devices and the inspection and surveillance of such signs, displays or devices. (NRS 410.400) This bill requires the Board to prescribe regulations ~~allowing the issuance of permits~~ **specifying the operational requirements** for signs known as commercial electronic variable message signs which conform to any regulations promulgated by the Secretary of the United States Department of Transportation.

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

Section 1. NRS 410.400 is hereby amended to read as follows:

410.400 1. The Board shall prescribe:

(a) ~~Regulations~~ ***Except as otherwise provided in paragraph (b), regulations*** governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices; ~~and~~

(b) ~~Regulations allowing the issuance of permits~~ ***specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and***

(c) Such other regulations as it deems necessary to implement the provisions of NRS 410.220 to 410.410, inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.

4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

↪ The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. *As used in this section, “commercial electronic variable message sign” means a self-luminous or externally illuminated advertising sign which ~~fuses electronic or digital technology to depict changes of light, color or message and which may include, without limitation, static images, image sequences or full motion video.~~ contains only static messages or copy which may be changed electronically.*

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 374.

AN ACT relating to irrigation districts; authorizing an irrigation district to purchase and maintain insurance or make other financial arrangements for any liability asserted against an officer of the irrigation district and certain other persons; ~~setting forth certain duties owed by an officer of an irrigation district to the irrigation district; authorizing an irrigation district to indemnify an officer of the irrigation district and certain other persons for any debt, obligation or other liability incurred by the officer or person under certain circumstances;~~ **increasing the maximum amount of certain indebtedness that the board of directors of an irrigation district may incur;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the formation and operation of irrigation districts in this State. (Chapter 539 of NRS) The officers of each irrigation district must consist of a president, vice president, secretary, treasurer and three, five or seven directors. (NRS 539.063) The board of directors of each irrigation district may appoint or employ agents, officers, employees, delegates to conventions and other representatives as the board may require in the interest

of the irrigation district. (NRS 539.193) ~~{The board may also enter into a contract of indemnity and guaranty, in any form approved by the board, relating to the performance of any contract or agreement which the irrigation district is authorized to enter into. (NRS 539.200) Sections 2-4 of this bill enact specific provisions governing the indemnification from liability of each officer of an irrigation district and each agent, officer, employee, delegate or representative appointed or employed by the board.}~~ **Section 2 of this bill** authorizes the board to purchase insurance or make ~~{certain}~~ other financial arrangements on behalf of any such agent, officer, employee, delegate or representative for any liability asserted against the agent, officer, employee, delegate or representative in his or her capacity as such an agent, officer, employee, delegate or representative of the irrigation district. ~~{Section 3 specifies that each officer of an irrigation district owes a duty of loyalty and a duty of care to the irrigation district and requires each officer to manage the irrigation district in good faith. Section 4 authorizes an irrigation district to indemnify any officer of an irrigation district or any agent, officer, employee, delegate or representative appointed or employed by the irrigation district for any debt, obligation or other liability incurred in the course of his or her activities on behalf of the district if he or she has not violated certain provisions governing the fiduciary duties owed to the irrigation district or has acted in good faith and without a reasonable cause to believe his or her conduct was unlawful. Section 4 also authorizes an irrigation district to approve an advance payment or reimbursement of expenses of a person who is made or threatened to be made a party to an action based on his or her activities on behalf of the irrigation district. Section 4 limits the amount of any indemnification or advancement or reimbursement of expenses or coverage provided under a policy of insurance to not more than \$50,000 per person.}~~

Existing law authorizes a board of directors of an irrigation district to incur an indebtedness not exceeding in the aggregate the sum of \$500,000. (NRS 539.480) **Section 5** of this bill increases the amount of indebtedness that the board may incur to \$1,000,000.

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

Section 1. Chapter 539 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~{1.}~~ *An irrigation district may purchase and maintain insurance or make other financial arrangements on behalf of any person who is or was an officer of the irrigation district specified in NRS 539.063 or an agent, officer, employee, delegate or representative appointed or employed pursuant to NRS 539.193 for any liability asserted against the*

person and liability and expenses incurred by the person in his or her capacity or arising out of his or her status as such an agent, officer, employee, delegate or representative of the irrigation district.

~~¶ 2. Any financial arrangements made by an irrigation district pursuant to subsection 1 may include the following:~~

~~— (a) The creation of a trust fund.~~

~~— (b) The establishment of a program of self insurance.~~

~~— (c) The securing of its obligation of indemnification by granting a security interest or other lien on any assets of the irrigation district.~~

~~— (d) The establishment of a letter of credit, guaranty or surety.~~

~~→ Any financial arrangement made pursuant to this subsection must not provide protection for a person adjudged by a court of competent jurisdiction, after exhaustion of all appeals therefrom, to be liable for intentional misconduct, fraud or a knowing violation of law, except with respect to any indemnification or advancement of expenses ordered by a court.~~

~~— 3. Any insurance or other financial arrangement made on behalf of a person pursuant to this section may be provided by the irrigation district or any other person approved by the board of directors.~~

~~— 4. In the absence of fraud:~~

~~— (a) The decision of the board of directors as to the propriety of the terms and conditions of any insurance or other financial arrangement made pursuant to this section and the choice of the person to provide the insurance or other financial arrangement is conclusive; and~~

~~— (b) The insurance or other financial arrangement:~~

~~— (1) Is not void or voidable; and~~

~~— (2) Does not subject any member of the board of directors approving it to personal liability for his or her action;~~

~~→ even if a member of the board of directors approving the insurance or other financial arrangement is a beneficiary of the insurance or other financial arrangement.~~

~~— 5. An irrigation district which provides self insurance for itself pursuant to this section is not subject to the provisions of title 57 of NRS.~~

Sec. 3. ~~¶1. Each officer of an irrigation district specified in NRS 539.063 owes to the irrigation district the fiduciary duties of loyalty and care.~~

~~— 2. Each officer specified in subsection 1 shall manage the irrigation district in good faith, in a manner the officer reasonably believes to be in the best interests of the irrigation district, and with such care, including reasonable inquiry, as a prudent person would reasonably exercise in a similar position and under similar circumstances. The officer may rely in good faith upon any opinion, report, statement or other information~~

~~provided by another person that the officer reasonably believes is a competent and reliable source for the information.~~

~~3. After full disclosure of all material facts, a specific act or transaction that would otherwise violate the duty of loyalty by an officer specified in subsection 1 may be authorized or ratified by a majority of the members of the board of directors of the irrigation district who are not interested directly or indirectly in the act or transaction.~~

~~4. An officer specified in subsection 1 who makes a business judgment in good faith satisfies the duties specified in that subsection if the officer:~~

~~(a) Is not interested, directly or indirectly, in the subject of the business judgment and is otherwise able to exercise independent judgment;~~

~~(b) Is informed with respect to the subject of the business judgment to the extent the officer reasonably believes to be appropriate under the circumstances; and~~

~~(c) Believes that the business judgment is in the best interests of the irrigation district and in accordance with its purposes.~~

~~5. The bylaws, rules or regulations of an irrigation district may limit or eliminate the liability to the irrigation district of an officer specified in subsection 1 for damages for any action taken, or for failure to take any action, as such an officer, except liability for:~~

~~(a) The amount of financial benefit improperly received by the officer;~~

~~(b) An intentional infliction of harm on the irrigation district;~~

~~(c) An intentional violation of criminal law;~~

~~(d) Breach of the duty of loyalty; or~~

~~(e) Improper distributions. (Deleted by amendment.)~~

Sec. 4. [NRS 539.200 is hereby amended to read as follows:

~~539.200 1. The board of directors of any district now or hereafter organized under the provisions of this chapter [shall have power to] may enter into contracts of indemnity and guaranty, in such form as may be approved by the board, relating to or connected with the performance of any contract or agreement which the district [shall be] is empowered to enter into under the provisions of this chapter or any other law of this state.~~

~~2. An irrigation district may indemnify any officer of the irrigation district specified in NRS 539.063 or any agent, officer, employee, delegate or representative appointed or employed pursuant to NRS 539.193 for any debt, obligation or other liability incurred in the course of his or her activities on behalf of the irrigation district if the agent, officer, employee, delegate or representative:~~

~~(a) Has not violated the provisions of section 3 of this act; or~~

~~(b) Acted in good faith and in a manner which he or she reasonably believed to be, or not opposed to, the best interests of the irrigation district~~

~~and, with respect to any criminal action or proceeding, did not have any reasonable cause to believe the conduct was unlawful.~~

~~3. If a person is made or threatened to be made a party in an action based on his or her activities on behalf of an irrigation district and the person submits a written request to the irrigation district, a majority of the disinterested members of the board of directors of the irrigation district may approve, in writing, an advance payment or reimbursement by the irrigation district of all or part of the reasonable expenses, including, without limitation, attorney's fees and costs, incurred by the person before the final disposition of the proceeding. To receive any advance payment or reimbursement pursuant to this subsection, the person must indicate in a notarized affidavit that he or she has a good faith belief that the criteria for indemnification set forth in subsection 2 have been satisfied and that the person will repay any amount advanced or reimbursed if those criteria have not been satisfied. Except as otherwise provided in subsection 6 and section 3 of this act, the board of directors may, in the bylaws, rules and regulations of the irrigation district, broaden or limit the advance payments or reimbursements.~~

~~4. An irrigation district may purchase or maintain insurance or make other financial arrangements on behalf of a person pursuant to section 2 of this act.~~

~~5. The rights of indemnification and advancement or reimbursement of expenses pursuant to this section apply to any former agent, officer, employee, delegate or representative of the irrigation district specified in subsection 2 for an activity undertaken on behalf of the irrigation district while he or she was an agent, officer, employee, delegate or representative of the irrigation district.~~

~~6. The amount of any indemnification or advancement or reimbursement of expenses pursuant to this section or any coverage under a policy of insurance or other financial arrangement provided pursuant to section 2 of this act:~~

~~(a) Must not exceed \$50,000 for each person who is indemnified, insured or paid any advancement or reimbursement of expenses; and~~

~~(b) May be paid from the general fund of the irrigation district.~~

~~(Deleted by amendment.)~~

Sec. 5. NRS 539.480 is hereby amended to read as follows:

539.480 1. For the purpose of organization or any of the purposes of this chapter, the board of directors may incur an indebtedness not exceeding in the aggregate the sum of ~~[\$500,000]~~ **\$1,000,000** and may cause warrants or negotiable notes of the district to issue therefor, bearing interest which must not exceed by more than 5 percent the Index of Revenue Bonds which was most recently published before the bids are received or a negotiated offer

is accepted. The board may levy an assessment on all lands in the district for the payment of those expenses.

2. Subject to the provisions of subsections 3, 4 and 5, thereafter the board may levy:

(a) An annual assessment, in the absence, except as otherwise provided in paragraph (b), of assessments therefor pursuant to any of the other provisions of this chapter, of not more than \$1.50 per acre on all lands in the district for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses; and

(b) An annual assessment of not more than \$5 per acre on all the lands in the district for deposit in a capital improvement fund for the construction, reconstruction or maintenance of the irrigation system of the district and any appurtenances necessary thereto.

3. Annual assessments levied pursuant to the provisions of subsection 2 may not cumulatively exceed \$5 per acre.

4. No portion of the amount collected from the assessment levied pursuant to the provisions of paragraph (b) of subsection 2 may be used for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses.

5. The assessments authorized pursuant to the provisions of subsection 2 must be collected as provided in this chapter for the collection of other assessments.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

SUMMARY—Prohibits the ~~installation or use of a pen register, trap and trace device or mobile~~ tracking ~~{device}~~ **of a mobile phone by an investigative or law enforcement officer** without a court order in certain circumstances. (BDR 14-421)

AN ACT relating to criminal procedure; generally prohibiting ~~the installation or use of a pen register, trap and trace device or mobile~~ **an investigative or law enforcement officer from** tracking ~~{device}~~ **a mobile phone** without a court order; authorizing certain investigative or law enforcement officers to apply to the district court for such an order or extension thereof; authorizing district courts to enter an order authorizing the

~~{use of a pen register, trap and trace device or mobile}~~ tracking ~~{device}~~ of a mobile phone in certain circumstances; ~~{providing penalties}~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Existing law authorizes the district courts of this State to issue orders authorizing the use of a pen register or trap and trace device upon the application of a district attorney, the Attorney General or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law. (NRS 179.530) Section 17 of this bill repeals this provision.}~~ **Section ~~{11}~~ 4** of this bill authorizes an investigative or law enforcement officer who is responsible for an ongoing criminal investigation to apply to the district court for an order or an extension of an order which authorizes the ~~{use of a pen register, trap and trace device or mobile}~~ tracking ~~{device}~~ of a mobile phone. **Section ~~{12}~~ 5** of this bill authorizes the district court to enter an ex parte order authorizing the ~~{use of a pen register, trap and trace device or mobile}~~ tracking ~~{device within the territorial jurisdiction of the court}~~ of a mobile phone if the court determines that there is probable cause for belief that the information likely to be obtained by such ~~{use}~~ tracking is relevant to the ongoing criminal investigation. Such an order or extension of an order cannot exceed 30 days. **Section ~~{10}~~ 3** of this bill generally prohibits ~~{a person}~~ an investigative or law enforcement officer from ~~{installing or using a pen register, trap and trace device or mobile}~~ tracking ~~{device}~~ a mobile phone without obtaining such an order. **1**, and provides that a person who knowingly violates such a provision is guilty of a gross misdemeanor.

~~Existing law also provides that it is unlawful for certain persons to give notice or attempt to give notice of the use of a pen register or trap and trace device to any person with the intent to obstruct, impede or prevent such use. A person who violates this provision is guilty of a category D felony. (NRS 199.540) Section 16 of this bill provides that it is also unlawful for certain persons to give notice or attempt to give notice of the use of a mobile tracking device to any person with the intent to obstruct, impede or prevent such use.}~~

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

Delete existing sections 1 through 17 of this bill and replace with the following new sections 1 through 5:

Section 1. Chapter 179 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, “investigative or law enforcement officer” has the meaning ascribed to it in NRS 179.435.

Sec. 3. 1. Except as otherwise provided in this section, an investigative or law enforcement officer shall not track a mobile phone without first obtaining a court order authorizing the tracking of the mobile phone pursuant to section 5 of this act.

2. The provisions of subsection 1 do not apply to:

(a) The tracking of a mobile phone when the consent of the owner of the mobile phone has been obtained; or

(b) A request for call location information concerning the mobile phone of a user by a law enforcement agency in response to a call for emergency services or in an emergency situation that involves the immediate risk of death or serious harm.

Sec. 4. 1. An investigative or law enforcement officer who is responsible for an ongoing criminal investigation may apply to the district court in writing upon oath or affirmation for an order or an extension thereof pursuant to section 5 of this act which authorizes the tracking of a mobile phone.

2. Each application made pursuant to subsection 1 must include the following information:

(a) The identity of the investigative or law enforcement officer making the application;

(b) The identity of any other officer or employee authorizing or directing the application;

(c) The identity of the law enforcement agency conducting the criminal investigation; and

(d) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant’s belief that an order should be issued.

Sec. 5. 1. Upon receipt of an application made pursuant to section 4 of this act, the court may enter an ex parte order, as requested or as modified, authorizing the tracking of a mobile phone if the court determines on the basis of the facts submitted by the applicant that there is probable cause for belief that the information likely to be obtained by the tracking of the mobile phone is relevant to an ongoing criminal investigation.

2. Each order authorizing the tracking of a mobile phone pursuant to subsection 1 must specify:

(a) The identity of the owner of the mobile phone;

(b) The identity of the person, if known, who is the subject of the ongoing criminal investigation;

(c) A statement of the particular offense to which the information likely to be obtained by the tracking of the mobile phone relates;

(d) The identity of the investigative or law enforcement officer responsible for tracking the mobile phone; and

(e) The period during which the tracking of the mobile phone is authorized.

3. No order entered pursuant to this section may authorize the tracking of a mobile phone for any period longer than is necessary to achieve the objective of the authorization, and in no event longer than 30 days. Extensions of an order may be granted, but only in accordance with the provisions of subsection 1 and upon application for an extension made in accordance with the procedures provided in section 4 of this act. The period of extension must not be longer than the authorizing judge deems necessary to achieve the purposes for which it was granted, and in no event longer than 30 days. Every order and extension thereof must:

(a) Include a statement of any changes in the information required pursuant to subsection 2; and

(b) Contain a provision that the tracking of the mobile phone must begin as soon as practicable and terminates upon attainment of the authorized objective, or in any event in 30 days.

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. 316.

Bill read second time.

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

Amendment No. 384.

AN ACT relating to public health; requiring a person who receives a health care record from certain persons or governmental entities to maintain the confidentiality of the record; **authorizing a civil action for certain violations of such confidentiality;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from using, releasing or publishing certain information from an electronic health record or from the statewide health information exchange for a purpose unrelated to the treatment, care, well-being or billing of the person who is the subject of the information or for a marketing purpose unless the use, release or publication is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law

104-191. (NRS 439.590) This bill: (1) prohibits a person who receives health care records from a person or governmental entity who is subject to the Health Insurance Portability and Accountability Act of 1996 from sharing or otherwise disclosing any information contained in the records in any manner that is not authorized by the Act; and (2) allows a ~~resident of this State~~ **person** who is harmed by any such sharing or disclosure of his or her health care records to bring an action to recover civil damages against the person or governmental entity who **violated this provision or who** provided the health care records to the person who violated this provision. **This bill further specifically authorizes the Attorney General to bring a civil action for damages on behalf of residents for violations of the Health Insurance Portability and Accountability Act of 1996.**

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 a new section to read as follows:

1. A person who receives health care records as part of a transaction with a person or governmental entity who is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, shall not share or otherwise disclose any information contained in the health care records in any manner not authorized by the Health Insurance Portability and Accountability Act of 1996.

2. A person who is harmed by a violation of subsection 1 may bring an action to recover any damages sustained in a court of competent jurisdiction in this State against ~~the~~ :

(a) Except as otherwise provided in paragraph (b), the person or governmental entity ~~who provided the health care records to the person who~~ that violated subsection 1 ~~is~~ ; or

(b) If the person that violated subsection 1 is located outside of the United States, the person or governmental entity that transmitted those health care records to the person located outside of the United States.

3. If the Attorney General has reason to believe that one or more residents of this State have been harmed by a violation of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Attorney General may bring a civil action against the person responsible for the violation to obtain damages on behalf of the resident or residents to the greatest extent permitted by federal law.

4. Nothing in this section shall be construed to:

(a) Modify the application of the Health Insurance Portability and Accountability Act of 1996 to a person or governmental entity that is already subject to that law.

(b) Waive any immunity from liability or limitation on liability otherwise applicable to a governmental entity.

~~4.1~~ **5.** *As used in this section, “health care records” has the meaning ascribed to it in NRS 629.021.*

Sec. 2. NRS 439.538 is hereby amended to read as follows:

439.538 1. If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

(b) NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto,

↪ which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state law , except section 1 of this act, that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his or her individually identifiable health information disclosed electronically to other covered entities, except:

(a) As required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

(b) As otherwise required by a state law.

(c) That a person who is a recipient of Medicaid or insurance pursuant to the Children’s Health Insurance Program may not opt out of having his or her individually identifiable health information disclosed electronically.

3. As used in this section, “covered entity” has the meaning ascribed to it in 45 C.F.R. § 160.103.

~~Sec. 2.1~~ **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. 321.

Bill read second time.

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

Amendment No. 422.

AN ACT relating to state employees; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Merit Award Program to provide awards to state employees who propose suggestions that would reduce, eliminate or avoid state expenditures or improve the operation of State Government. (NRS 285.014, 285.020) ~~[Section 2 of this bill]~~ **This** bill revises the ~~[definition of "employee suggestion"]~~ **Merit Award Program** to limit its application to only a suggestion that would reduce, eliminate or avoid state expenditures. ~~[The Merit Award Board administers the Program. (NRS 285.030) Section 3 of this bill revises the membership of the Board and requires the Governor to appoint the members of the Board from among the directors of the departments of the Executive Department of the State Government.]~~

~~Existing law provides that to be eligible for an award, an employee or a group of employees must make a suggestion that meets certain criteria. (NRS 285.050) Section 4 of this bill provides certain additional criteria for a qualified employee suggestion.~~

~~Under existing law, the Board is required to consider certain factors when evaluating each employee suggestion. (NRS 285.040, 285.060) Section 5 of this bill requires the Board to determine whether an employee suggestion is desirable and feasible before referring the suggestion to a state agency.~~

~~Existing law limits the amount of an award to \$25,000 or 10 percent of any actual savings to the State. (NRS 285.070) Section 6 of this bill limits the amount of an award to \$3,500 or 20 percent of actual savings and requires that the award relate directly to the reduction, elimination or avoidance of expenditures realized as a result of the employee suggestion.]~~

Sections 1 and 8 of this bill require each state agency to provide to its employees information relating to the Merit Award Program.

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

Section 1. NRS 284.337 is hereby amended to read as follows:

284.337 An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, the supervisory employee shall meet with the employee to ~~[discuss]~~ :

(a) **Discuss** goals and objectives ~~[, to evaluate]~~ ;

(b) **Evaluate** the employee's improvement in performance and personal development ~~[, and to discuss]~~ ;

(c) **Discuss** the report ~~[,]~~ ; and

(d) **Provide to the employee information relating to the Merit Award Program established by NRS 285.020.**

2. Provide the employee with a copy of the report.

3. Transmit the report to the appointing authority.

Sec. 2. NRS 285.014 is hereby amended to read as follows:

285.014 "Employee suggestion" means a proposal by a state employee or group of state employees which would ~~+~~:

- ~~1. Reduce,} **reduce**, eliminate or avoid state expenditures, whether or not such money would be expended from the State General Fund . ~~+~~ or~~
- ~~2. Improve the operation of the State Government.}~~

Sec. 3. ~~NRS 285.030 is hereby amended to read as follows:~~

~~285.030 1. The controlling authority of the Merit Award Program is the Merit Award Board.~~

~~2. The Board [must be composed] **consists** of five members [as follows:~~

~~(a) Two persons who are members of the American Federation of State, County and Municipal Employees or its successor, designated by the executive committee of that Federation or its successor.~~

~~(b) One member from the Budget Division of the Department of Administration appointed by the Chief of the Budget Division.~~

~~(c) One member from the Division of Human Resource Management of the Department of Administration appointed by the Administrator of the Division.~~

~~(d) One member appointed by and representing the Governor.} **appointed by the Governor from among the directors of the departments of the Executive Department of the State Government. Each member of the Board serves a term of 4 years. A member of the Board may be reappointed.**~~

~~3. [The member from either the Budget Division or the Division of Human Resource Management of the Department of Administration must serve as the Secretary of the Board.~~

~~4.} The Board shall adopt regulations for transacting its business and carrying out the provisions of this chapter.~~

~~[5.] 4. Within the limits of legislative appropriations, the Board may expend up to \$1,000 per year on expenses relating to the operation of the Board.} **(Deleted by amendment.)**~~

Sec. 4. ~~NRS 285.050 is hereby amended to read as follows:~~

~~285.050 1. Except as otherwise provided in this section, any state employee or group of state employees may make an employee suggestion. An employee suggestion must be made in writing to the Board.~~

~~2. To be eligible for an award pursuant to NRS 285.070, a state employee or group of state employees must make a suggestion:~~

~~(a) Which does not duplicate or closely resemble a suggestion that has been previously submitted and rejected;~~

~~(b) Which is not currently under active consideration by the state agency affected;~~

~~— [(b)] (c) For which the act of developing or proposing is not a normal part of the job duties of the state employee, whether acting individually or as a member of a group of state employees;~~

~~— [(c)] (d) Which is not within the state employee's authority or responsibility to carry out or implement, whether acting individually or as a member of a group of state employees;~~

~~— [(d)] (e) Which proposes to do more than merely suggest that an existing policy or procedure be followed correctly;~~

~~— [(e)] (f) Which does not concern an individual grievance or complaint;~~

~~— [(f)] (g) Which would not reduce the quality or quantity of services provided by the relevant state agency; and~~

~~— [(g)] (h) Which would not transfer costs from one state agency to another state agency.~~

~~— 3. If duplicate employee suggestions are submitted, only the state employee or group of state employees who makes the first employee suggestion received is eligible for an award pursuant to NRS 285.070.~~

~~— 4. [Except as otherwise provided in this subsection, a state employee, either individually or as a member of a group of state employees, may not make more than two employee suggestions in any calendar year. For any employee suggestion made by a state employee, either individually or as a member of a group of state employees, that is approved in a calendar year, the state employee may make one additional employee suggestion during the calendar year.]~~

~~— 5.] The Board may, in consultation with the Budget Division of the Department of Administration and the Interim Finance Committee, establish such additional standards for the making and submission of employee suggestions as it deems proper. (Deleted by amendment.)~~

Sec. 5. NRS 285.060 is hereby amended to read as follows:

285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:

(a) Record and acknowledge receipt of the employee suggestion;

(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and

(c) Refer ~~[(If the Board determines that the employee suggestion is desirable and feasible, refer)]~~ the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.

2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:

(a) Whether the employee suggestion has been adopted.

(b) If adopted:

(1) The day on which the employee suggestion was placed in effect.

(2) The actual or estimated reduction, elimination or avoidance of expenditures ~~for any improvement in operations~~ made possible by the employee suggestion.

(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.

(c) If rejected, the reasons for rejection.

(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.

3. The Board shall:

(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.

(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.

(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.

(d) ~~If the Board determines that an employee suggestion which has been adopted and placed into effect by a state agency is applicable to another state agency, refer the employee suggestion to the other state agency.~~

~~(e)~~ Provide a report to the Budget Division of the Department of Administration and the Interim Finance Committee not later than 30 days after the end of each fiscal year summarizing, for that fiscal year:

(1) The employee suggestions that were rejected by state agencies.

(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures ~~for any improvement in operations~~ made possible by the employee suggestion.

(3) Any legislation required to be enacted before an employee suggestion may be adopted.

Sec. 6. NRS 285.070 is hereby amended to read as follows:

285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Department of Administration, may make an award to the state employee or to each state employee of a group of state employees who made the employee suggestion.

2. If the amount of a proposed award will exceed \$5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed \$5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:

(a) The reduction, elimination or avoidance of expenditures ~~for any improvement in operations~~ made possible by the employee suggestion; and

(b) The intent of the Legislature in enacting this chapter.

3. An award made pursuant to this section ~~must relate directly to the reduction, elimination or avoidance of expenditures realized as a result of the employee suggestion and~~ may not exceed:

(a) Ten ~~Twenty~~ percent of the amount of any ~~the~~ actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or

(b) A total of \$25,000, ~~\$3,500,~~

↪ whichever is less, whether distributed to an individual employee or to a group of state employees who made the employee suggestion.

4. ~~4.1~~ Awards to employees arising out of adopted employee suggestions must, insofar as is practicable, be paid from money other than money in the State General Fund.

5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 30 days after the end of the fiscal year during which the employee suggestion was adopted, and the second installment must be paid not later than 30 days after the end of the subsequent fiscal year.

6. ~~4.1~~ A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she made an employee suggestion, or was a member of a group of state employees who made an employee suggestion, that is subsequently adopted.

7. ~~4.1~~ An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of expenditures ~~for any improvement in operations~~ as a result of the employee suggestion.

8. ~~4.1~~ Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:

(a) Fifty percent must be transferred to the State General Fund; and

(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who made the employee suggestion for one-time, nonoperational expenses which do not

require ongoing maintenance, including, without limitation, training and equipment.

Sec. 7. ~~NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, [285.070,] subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.235, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.] (Deleted by amendment.)~~

Sec. 8. As soon as practicable on or after July 1, 2013, each state agency, as defined in NRS 285.016, shall:

1. When the next reprint of any manual or handbook that the state agency provides to employees is prepared, add a description of the Merit Award Program established by NRS 285.020 to the manual or handbook.

2. When any Internet website maintained by the state agency is updated, add to the website a description of the Merit Award Program that is readily available to employees of the state agency.

Sec. 9. ~~[1. The term of any member of the Merit Award Board serving on July 1, 2013, expires on that date.~~

~~2. Notwithstanding the provisions of NRS 285.020, as amended by section 3 of this act, as soon as practicable on or after July 1, 2013, the Governor shall appoint to the Merit Award Board:~~

~~(a) Two members to initial terms that expire on June 30, 2015.~~

~~(b) Three members to initial terms that expire on June 30, 2017.] (Deleted by amendment.)~~

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. 325.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 311.

AN ACT relating to convicted persons; authorizing a court to commit certain convicted persons to the custody of the Department of Corrections for an evaluation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

NRS 176.158, which was repealed by Senate Bill No. 74 of the 1997 Legislative Session, authorized a court to commit certain convicted persons to the custody of the Director of the Department of Prisons, which is now the Department of Corrections, for a period of not more than 120 days for a complete evaluation. After the period during which the person was committed, the Department of Prisons was required to provide the court with a report of the results of the evaluation and any recommendations which the Department believed would be helpful to the court in determining the proper sentence for the person. (Chapter 257, Statutes of Nevada 1997, pp. 905-07)

Section 1 of this bill reinstates these provisions, but authorizes a court to commit such persons to the custody of the Director of the Department of Corrections for a period of not more than 90 days for a complete evaluation.

Sections 2-4 of this bill restore certain language which was deleted as a result of NRS 176.158 being repealed. **Section 5** of this bill provides a court with the option of committing an eligible person to the custody of the Director of the Department of Corrections for an evaluation pursuant to **section 1** if the person is convicted of a felony for which he or she may be sentenced to imprisonment that is committed on or after October 1, 2013.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant has:

(a) Been convicted of a felony for which he or she may be sentenced to imprisonment; and

(b) Never been sentenced to imprisonment as an adult for more than 6 months,

↪ the court may, before sentencing the defendant, commit the defendant to the custody of the Director of the Department of Corrections for not more than 90 days. The period of commitment may be extended once for another 60 days at the request of the Department of Corrections. During the time for which a defendant is committed to the custody of the Director, the Director may assign the defendant to appropriate programs of rehabilitation to facilitate the evaluation of the defendant required pursuant to subsection 2.

2. The Department of Corrections shall conduct a complete evaluation of the defendant during the time of commitment pursuant to this section and shall inquire into such matters as the defendant's previous delinquency or criminal record, social background and capabilities, mental, emotional and physical health and the resources and programs available to suit his or her needs for rehabilitation.

3. The Department of Corrections shall return the defendant to the court not later than the end of the period for which he or she was committed pursuant to this section and provide the court with a report of the results of its evaluation, including any recommendations which it believes will be helpful to the court in determining the proper sentence.

4. Upon receiving the report and recommendations, the court shall sentence the defendant to:

(a) An appropriate term of imprisonment, the duration of which must be computed from the date of commitment pursuant to subsection 1; or

(b) Probation, a condition of which must be that the defendant serve a number of days in the state prison equal to or greater than the number of days spent in confinement pursuant to subsection 1, including the day of commitment.

Sec. 2. NRS 176.105 is hereby amended to read as follows:

176.105 1. If a defendant is found guilty and is ~~sentenced~~ :

(a) To be committed to the custody of the Director of the Department of Corrections for an evaluation by the Department, the judgment of conviction must set forth the plea, the verdict or finding and the adjudication.

(b) Sentenced as provided by law, the judgment of conviction must set forth:

~~{{a}}~~ (1) The plea;

~~{{b}}~~ (2) The verdict or finding;

~~{{c}}~~ (3) The adjudication and sentence, including the date of the sentence, any term of imprisonment, the amount and terms of any fine, restitution or administrative assessment, a reference to the statute under which the defendant is sentenced and, if necessary to determine eligibility for parole, the applicable provision of the statute; and

~~{{d}}~~ (4) The exact amount of credit granted for time spent in confinement before conviction, if any.

2. If the defendant is found not guilty, or for any other reason is entitled to be discharged, judgment must be entered accordingly.

3. The judgment must be signed by the judge and entered by the clerk.

Sec. 3. NRS 209.341 is hereby amended to read as follows:

209.341 The Director shall:

1. Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are **committed to the Director for evaluation by the Department or** sentenced to imprisonment in the state prison; and

2. Assign every person **who is committed to the Director for evaluation by the Department or** who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

Sec. 4. NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the Department for **evaluation or** imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

(a) The appropriate approved tests must be administered; and

(b) The offender must receive counseling regarding the virus.

2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Director determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.

3. If the results of a supplemental test are positive, the name of the offender must be disclosed to:

(a) The Director;

(b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;

(c) The manager or warden of the facility or institution at which the offender is confined; and

(d) Each other employee of the Department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

(a) The results of a supplemental test are positive; and

(b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, ~~the infamous crime against nature,~~ ~~sexual conduct,~~ sexual ~~intercourse in its ordinary meaning~~ activity or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.

5. The Director, with the approval of the Board:

(a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Health Division of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Health Division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section ~~the~~

~~(a) "Incident";~~ "incident" means an occurrence, of a kind specified by regulation of the State Board of Health, that entails a significant risk of exposure to the human immunodeficiency virus.

~~[(b)] ["Infamous crime against nature"]~~ ~~["Sexual conduct" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.]~~

Sec. 5. The amendatory provisions of this act apply to offenses that are committed on or after October 1, 2013.

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. 358.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 251.

AN ACT relating to domestic relations; enacting the Uniform Deployed Parents Custody and Visitation Act; repealing provisions governing custody and visitation orders concerning children of members of the military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions governing the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders. (NRS 125C.100-125C.185) This bill repeals those provisions and enacts the Uniform Deployed Parents Custody and Visitation Act adopted by the Uniform Law Commission.

Section 23 of this bill sets forth the circumstances under which a court of this State has jurisdiction to issue orders concerning the custodial responsibility of a child when a parent or other custodian of the child has received military deployment orders. **Section 24** of this bill provides for notice of a pending deployment to the other parent and the provision of a plan for fulfilling the custodial responsibility of each parent during the deployment. **Section 25** of this bill requires a person to whom custodial responsibility for a child has been assigned or granted during a deployment to notify the deploying parent of a change of his or her mailing address. **Section 26** of this bill governs the manner in which a court considers the past or possible future deployment of a parent in a proceeding for custodial responsibility of the child.

Sections 27-31 of this bill provide procedures for out-of-court resolution of issues relating to the custodial responsibility of a child which arise upon the deployment of a service member. **Section 27** provides for a temporary agreement granting custodial responsibility during deployment. **Section 29** authorizes the modification of a temporary agreement regarding custodial responsibility. **Section 30** provides for a grant of custodial responsibility to a nonparent of the child under certain circumstances.

Sections 32-41 of this bill provide for a judicial resolution of issues that arise when the parents of a child do not reach an agreement concerning the custody or visitation of a child during the deployment of one parent. **Section 33** requires an expedited hearing if a motion to grant custodial responsibility is filed before a deploying parent deploys. **Section 34** authorizes a party or witness who is not reasonably available to appear personally in court to provide testimony and present evidence by electronic means, unless the court finds good cause to require a personal appearance. **Section 35** establishes certain rules that apply in a proceeding to grant custodial responsibility during the deployment of a parent. ~~Section 36~~ **Section 36** authorizes the court to grant caretaking authority of a child to a nonparent under certain circumstances ~~44~~ **and requires the court to consider certain factors in determining whether to grant caretaking authority.** **Section 38** provides that a grant by a court of custodial responsibility or caretaking authority is temporary.

Sections 42-45 of this bill set forth the procedures governing the termination of a temporary custody arrangement following the return from

deployment of a deployed parent. **Section 42** provides the procedure for terminating a temporary custody arrangement established by an agreement of the parties. **Section 43** establishes a consent procedure for terminating a temporary custody arrangement established by court order. Under **section 45**, if no agreement to terminate a temporary custody arrangement established by court order is reached between the parents, the order terminates 60 days after the date on which the deploying parent gives notice of having returned from deployment to the other parent or to any nonparent granted custodial responsibility. **Section 45.5 of this bill authorizes an expedited hearing concerning custody or visitation under certain circumstances following the deploying parent's return from deployment.**

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section ~~[, NRS 125C.100 to 125C.185, inclusive,]~~ , ***sections 2 to 48, inclusive, of this act*** and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

↪ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the provisions of ~~[NRS 125C.100 to 125C.185, inclusive,]~~ ***sections 2 to 48, inclusive, of this act*** and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is

achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, “sufficient particularity” means a statement of the rights in absolute terms and not by the use of the term “reasonable” or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and ~~NRS 125C.100 to 125C.185, inclusive,~~ **sections 2 to 48, inclusive, of this act**, and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

- (a) Upon the death of the person to whom the order was directed; or
- (b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has “significant commitments in a foreign country” if the parent:

- (a) Is a citizen of a foreign country;
- (b) Possesses a passport in his or her name from a foreign country;
- (c) Became a citizen of the United States after marrying the other parent of the child; or
- (d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 48, inclusive, of this act.

Sec. 3. *Sections 3 to 48, inclusive, of this act may be cited as the Uniform Deployed Parents Custody and Visitation Act.*

Sec. 4. *As used in sections 3 to 48, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 5 to 22, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *“Adult” means a person who is at least 18 years of age or an emancipated minor.*

Sec. 6. *“Caretaking authority” means the right to live with and care for a child on a day-to-day basis, including physical custody, parenting time, right to access and visitation.*

Sec. 7. *“Child” means:*

- 1. *An unemancipated minor who has not attained 18 years of age; or*
- 2. *An adult son or daughter by birth or adoption, or under the laws of this State other than sections 3 to 48, inclusive, of this act, who is the subject of an existing court order concerning custodial responsibility.*

Sec. 8. *“Close and substantial relationship” means a relationship in which a significant bond exists between a child and a nonparent.*

Sec. 9. *“Court” means an entity authorized under the laws of this State other than sections 3 to 48, inclusive, of this act to establish, enforce or modify a decision regarding custodial responsibility.*

Sec. 10. *“Custodial responsibility” is a comprehensive term that includes any and all powers and duties relating to caretaking authority and decision-making authority for a child. The term includes custody, physical custody, legal custody, parenting time, right to access, visitation and the authority to designate limited contact with a child.*

Sec. 11. *“Decision-making authority” means the power to make important decisions regarding a child, including decisions regarding the child’s education, religious training, health care, extracurricular activities and travel. The term does not include day-to-day decisions that necessarily accompany a grant of caretaking authority.*

Sec. 12. *“Deploying parent” means a service member, who is deployed or has been notified of impending deployment, and is:*

1. *A parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or*
2. *A person other than a parent who has custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.*

Sec. 13. *“Deployment” means the movement or mobilization of a service member to a location for more than 90 days but less than 18 months pursuant to an official order that:*

1. *Is designated as unaccompanied;*
2. *Does not authorize dependent travel; or*
3. *Otherwise does not permit the movement of family members to that location.*

Sec. 14. *“Family member” includes a sibling, aunt, uncle, cousin, stepparent or grandparent of a child, and a person recognized to be in a familial relationship with a child under the laws of this State other than sections 3 to 48, inclusive, of this act.*

Sec. 15. *“Limited contact” means the opportunity for a nonparent to visit with a child for a limited period of time. The term includes authority to take the child to a place other than the residence of the child.*

Sec. 16. *“Nonparent” means a person other than a deploying parent or other parent.*

Sec. 17. *“Other parent” means a person who, in common with a deploying parent, is:*

1. *The parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or*
2. *A person other than a parent with custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.*

Sec. 18. *“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 19. *“Return from deployment” means the conclusion of a service member’s deployment as specified in uniformed service orders.*

Sec. 20. *“Service member” means a member of a uniformed service.*

Sec. 21. *“State” means a state of the United States, the District of Columbia, Puerto Rico and the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 22. *“Uniformed service” means:*

1. *Active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;*
2. *The Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or*
3. *The National Guard.*

Sec. 23. 1. *A court may issue an order regarding custodial responsibility under sections 3 to 48, inclusive of this act only if the court has jurisdiction pursuant to chapter 125A of NRS. If the court has issued a temporary order regarding custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS during the deployment.*

2. *If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to sections 27 to 31, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.*

3. *If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.*

4. *This section does not prohibit the exercise of temporary emergency jurisdiction by a court under chapter 125A of NRS.*

Sec. 24. 1. *Except as otherwise provided in subsection 4, and subject to subsection 3, a deploying parent shall notify in a record the other parent of a pending deployment not later than 7 days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent such notification within 7 days, such notification must be made as soon as reasonably possible thereafter.*

2. *Except as otherwise provided in subsection 4, and subject to subsection 3, each parent shall in a record provide the other parent with a plan for fulfilling that parent’s share of custodial responsibility during deployment as soon as reasonably possible after receiving notice of deployment under subsection 1.*

3. *If an existing court order prohibits disclosure of the address or contact information of the other parent, a notification of deployment under subsection 1, or notification of a plan for custodial responsibility during deployment under subsection 2, may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.*

4. *Notice in a record is not required if the parents are living in the same residence and there is actual notice of the deployment or plan.*

5. *In a proceeding regarding custodial responsibility between parents, a court may consider the reasonableness of a parent's efforts to comply with this section.*

Sec. 25. 1. *Except as otherwise provided in subsection 2, a person to whom custodial responsibility has been assigned or granted during deployment pursuant to sections 27 to 41, inclusive, of this act shall notify the deploying parent and any other person with custodial responsibility of any change of mailing address or residence until the assignment or grant is terminated. The person shall provide the notice to any court that has issued an existing custody or child support order concerning the child.*

2. *If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence under subsection 1 may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted.*

Sec. 26. *In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child, but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.*

Sec. 27. 1. *The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment.*

2. *An agreement under subsection 1 must be:*

(a) *In writing; and*

(b) *Signed by both parents and any nonparent to whom custodial responsibility is granted.*

3. *An agreement under subsection 1 may:*

(a) *Identify to the extent feasible the destination, duration and conditions of the deployment that is the basis for the agreement;*

(b) *Specify the allocation of caretaking authority among the deploying parent, the other parent and any nonparent, if applicable;*

(c) Specify any decision-making authority that accompanies a grant of caretaking authority;

(d) Specify any grant of limited contact to a nonparent;

(e) If the agreement shares custodial responsibility between the other parent and a nonparent, or between two nonparents, provide a process to resolve any dispute that may arise;

(f) Specify the frequency, duration and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact and allocation of any costs of communications;

(g) Specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

(h) Acknowledge that any party's existing child support obligation cannot be modified by the agreement and that changing the terms of the obligation during deployment requires modification in the appropriate court;

(i) Provide that the agreement terminates following the deploying parent's return from deployment according to the procedures under sections 42 to 45, inclusive, of this act; and

(j) If the agreement must be filed pursuant to section 31 of this act, specify which parent shall file the agreement.

Sec. 28. 1. An agreement under sections 27 to 31, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the agreement has been terminated before that time by court order or modification of the agreement under section 29 of this act. The agreement derives from the parents' custodial responsibility and does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in a person to whom custodial responsibility is given.

2. A nonparent given caretaking authority, decision-making authority or limited contact by an agreement under sections 27 to 31, inclusive, of this act has standing to enforce the agreement until it has been terminated pursuant to an agreement of the parents under section 29 of this act, under sections 42 to 45, inclusive, of this act or by court order.

Sec. 29. 1. The parents may modify an agreement regarding custodial responsibility made pursuant to sections 27 to 31, inclusive, of this act by mutual consent.

2. If an agreement is modified under subsection 1 before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

3. *If an agreement is modified under subsection 1 during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.*

Sec. 30. *If no other parent possesses custodial responsibility under the laws of this State other than sections 3 to 48, inclusive, of this act, or if an existing court order prohibits contact between the child and the other parent, a deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment. The power of attorney is revocable by the deploying parent through a revocation of the power of attorney signed by the deploying parent.*

Sec. 31. *An agreement or power of attorney made under sections 27 to 30, inclusive, of this act must be filed within a reasonable period of time with any court that has entered an existing order on custodial responsibility or child support concerning the child. The case number and heading of the existing case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.*

Sec. 32. 1. *After a deploying parent receives notice of deployment and during the deployment, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.*

2. *At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in an existing proceeding for custodial responsibility of the child with jurisdiction under section 23 of this act or, if there is no existing proceeding in a court with jurisdiction under section 23 of this act, in a new action for granting custodial responsibility during deployment.*

Sec. 33. *If a motion to grant custodial responsibility is filed before a deploying parent deploys, the court shall conduct an expedited hearing.*

Sec. 34. *In a proceeding brought under sections 32 to 41, inclusive, of this act, a party or witness who is not reasonably available to appear personally may appear and provide testimony and present evidence by electronic means unless the court finds good cause to require a personal appearance.*

Sec. 35. *In a proceeding for a grant of custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the following rules apply:*

1. *A prior judicial order designating custodial responsibility of a child in the event of deployment is binding on the court unless the circumstances*

meet the requirements of the laws of this State other than sections 3 to 48, inclusive, of this act for modifying a judicial order regarding custodial responsibility.

2. The court shall enforce a prior written agreement between the parents for designating custodial responsibility of a child in the event of deployment, including a prior written agreement executed under sections 27 to 31, inclusive, of this act, unless the court finds the agreement contrary to the best interest of the child.

Sec. 36. 1. On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court may grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child.

2. In determining whether to grant caretaking authority of a child to a nonparent pursuant to subsection 1, the court shall consider the following factors:

(a) The love, affection and other emotional ties existing between the nonparent and the child.

(b) The capacity and disposition of the nonparent to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Provide the child with food, clothing and other material needs; and

(3) Provide the child with health care or alternative health care which is recognized and authorized pursuant to the laws of this State.

(c) The prior relationship between the nonparent and the child, including, without limitation, whether the child has previously resided with the nonparent and whether the child was previously included in holidays or family gatherings with the nonparent.

(d) The moral fitness of the nonparent.

(e) The mental and physical health of the nonparent.

(f) The reasonable preference of the child if the child has a preference and if the court determines that the child is of sufficient maturity to express a preference.

(g) The willingness and ability of the nonparent to facilitate and encourage a close and substantial relationship between the child and his or her deploying parent, other parent and family members.

(h) The medical and other health needs of the child which are affected by the grant of caretaking authority.

(i) The support provided by the nonparent, including, without limitation, whether the nonparent has contributed to the financial support of the child.

(j) Any objection by the other parent to the grant of caretaking authority to a nonparent. In the case of an objection by the other parent, there is a rebuttable presumption that the grant of caretaking authority to a nonparent is not in the best interest of the child. To rebut this presumption, the deploying parent must prove by clear and convincing evidence that the grant of caretaking authority to the nonparent is in the best interest of the child.

3. Unless the grant of caretaking authority to a nonparent under subsection 1 is agreed to by the other parent, the grant is limited to an amount of time not greater than:

(a) The time granted to the deploying parent in an existing permanent custody order, except that the court may add unusual travel time necessary to transport the child; or

(b) In the absence of an existing permanent custody order, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, except that the court may add unusual travel time necessary to transport the child.

~~{3.}~~ 4. A court may grant part of the deploying parent's decision-making authority for a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if the deploying parent is unable to exercise that authority. When a court grants the authority to a nonparent, the court shall specify the decision-making powers that will and will not be granted, including applicable health, educational and religious decisions.

Sec. 37. On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court shall grant limited contact with a child to a nonparent who is either a family member of the child or a person with whom the child has a close and substantial relationship, unless the court finds that the contact would be contrary to the best interest of the child.

Sec. 38. 1. A grant made pursuant to sections 32 to 41, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in a person to whom it is granted.

2. A nonparent granted caretaking authority, decision-making authority or limited contact under sections 32 to 41, inclusive, of this act has standing to enforce the grant until it is terminated under sections 42 to 45, inclusive, of this act or by court order.

Sec. 39. 1. *An order granting custodial responsibility under sections 32 to 41, inclusive, of this act must:*

(a) *Designate the order as temporary; and*
 (b) *Identify to the extent feasible the destination, duration and conditions of the deployment.*

2. *If applicable, a temporary order for custodial responsibility must:*

(a) *Specify the allocation of caretaking authority, decision-making authority or limited contact among the deploying parent, the other parent and any nonparent;*

(b) *If the order divides caretaking or decision-making authority between persons, or grants caretaking authority to one person and limited contact to another, provide a process to resolve any significant dispute that may arise;*

(c) *Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;*

(d) *Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or is otherwise available, unless contrary to the best interest of the child;*

(e) *Provide for reasonable contact between the deploying parent and the child following return from deployment until the temporary order is terminated, which may include more time than the deploying parent spent with the child before entry of the temporary order; and*

(f) *Provide that the order will terminate following return from deployment according to the procedures under sections 42 to 45, inclusive, of this act.*

Sec. 40. *If a court has issued an order ~~providing for grant of~~ granting caretaking authority under sections 32 to 41, inclusive, of this act or an agreement granting caretaking authority has been executed under sections 27 to 31, inclusive, of this act the court may enter a temporary order for child support consistent with the laws of this State other than sections 3 to 48, inclusive, of this act if the court has jurisdiction under NRS 130.0902 to 130.802, inclusive.*

Sec. 41. 1. *Except for an order in accordance with section 35 of this act or as otherwise provided in subsection 2, and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522, on the motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority or limited contact has been granted, the court may modify or terminate a grant of caretaking authority, decision-making authority or limited contact made pursuant to sections 3 to 48, inclusive, of this act if the modification or termination is consistent with sections 32 to 41, inclusive, of this act and the court finds it*

is in the best interest of the child. Any modification must be temporary and terminates following the conclusion of deployment of the deployed parent according to the procedures under sections 42 to 45, inclusive, of this act unless the grant has been terminated before that time by court order.

2. On the motion of a deploying parent, the court shall terminate a grant of limited contact.

Sec. 42. 1. At any time following return from deployment, a temporary agreement granting custodial responsibility under sections 27 to 31, inclusive, of this act may be terminated by an agreement to terminate signed by the deploying parent and the other parent.

2. The temporary agreement granting custodial responsibility terminates:

(a) If the agreement to terminate specifies a date for termination, on that date; or

(b) If the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by both parents.

3. In the absence of an agreement to terminate, the temporary agreement granting custodial responsibility terminates 60 days ~~from~~ after the date of the deploying parent's giving notice to the other parent of having returned from deployment.

4. If the temporary agreement granting custodial responsibility was filed with a court pursuant to section 31 of this act, an agreement to terminate the temporary agreement must also be filed with that court within a reasonable period of time after the signing of the agreement. The case number and heading of the existing custodial responsibility or child support case must be provided to the court with the agreement to terminate.

Sec. 43. At any time following return from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act. After an agreement has been filed, the court shall issue an order terminating the temporary order on the date specified in the agreement. If no date is specified, the court shall issue the order immediately.

Sec. 44. Following return from deployment of a deploying parent until a temporary agreement or order for custodial responsibility established under sections 27 to 41, inclusive, of this act is terminated, the court shall enter a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time exceeds the time the deploying parent spent with the child before deployment.

Sec. 45. 1. A temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act shall terminate, if no

agreement between the parties to terminate a temporary order for custodial responsibility has been filed, 60 days ~~from~~ after the date of the deploying parent's giving notice of having returned from deployment to the other parent and any nonparent granted custodial responsibility.

2. Any proceedings seeking to prevent termination of a temporary order for custodial responsibility are governed by the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 45.5. The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation following the deploying parent's return from deployment.

Sec. 46. In addition to other relief provided by the laws of this State other than sections 3 to 48, inclusive, of this act if a court finds that a party to a proceeding under sections 3 to 48, inclusive, of this act has acted in bad faith or intentionally failed to comply with sections 3 to 48, inclusive, of this act or a court order issued under sections 3 to 48, inclusive, of this act the court may assess reasonable attorney's fees and costs of the opposing party and order other appropriate relief.

Sec. 47. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 48. This act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 49. NRS 125C.100, 125C.105, 125C.110, 125C.115, 125C.120, 125C.125, 125C.130, 125C.135, 125C.140, 125C.145, 125C.150, 125C.155, 125C.160, 125C.165, 125C.170, 125C.175, 125C.180 and 125C.185 are hereby repealed.

Sec. 50. This act does not affect the validity of a temporary court order concerning custodial responsibility during deployment that was entered before January 1, 2014.

Sec. 51. This act becomes effective on January 1, 2014.

LEADLINES OF REPEALED SECTIONS

125C.100 Definitions.

125C.105 "Custody or visitation order" defined.

125C.110 "Deployment" defined.

125C.115 "Member of the military" defined.

125C.120 "Parent" defined.

125C.125 "Parent who received orders for deployment" defined.

125C.130 “Temporary duty” defined.

125C.135 Provisions not applicable to order for protection against domestic violence.

125C.140 Jurisdiction retained during deployment of parent; deployment not basis to assert inconvenient forum.

125C.145 Court to hold expedited hearing or allow alternative means of presenting testimony and evidence in certain circumstances.

125C.150 Deployment does not warrant permanent modification of order.

125C.155 Expedited hearing to issue temporary order.

125C.160 Temporary modification of order to accommodate deployment of parent; requirements of temporary order.

125C.165 Expiration of temporary order upon completion of parent’s deployment; exception.

125C.170 Delegation of visitation rights to family member of parent to be deployed; termination of such rights; effect on ability of family member to seek separate visitation order.

125C.175 Limitation on issuance of final order modifying terms of existing order when parent receives mandatory order for deployment.

125C.180 Costs and attorney’s fees.

125C.185 Requirement for parents to cooperate and provide information to each other.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Horne moved that the Assembly recess until 1:20 p.m.

Motion carried.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:25 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 374.

Bill read second time.

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

Amendment No. 284.

AN ACT relating to counties; prohibiting , with certain exceptions, a board of county commissioners from regulating or licensing, or requiring a permit or fee relating to, assemblies, events or activities occurring on federal lands; providing , under certain circumstances, that certain requirements and prohibitions relating to assemblies do not apply to assemblies that occur on federal lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

Sections 1 and 2 of this bill prohibit , with certain exceptions, a board of county commissioners from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

Sections 3 and 4 of this bill provide , under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

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

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

~~1. A.~~

1. Except as otherwise provided in subsection 2, a board of county commissioners shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit for the assembly, event or activity or has otherwise authorized the assembly, event or activity.

2. A board of county commissioners may regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of
a:

(a) Lease between the Federal Government and the county; or
(b) License for recreational or other public purposes from the Federal Government to the county.

Sec. 2. NRS 244.354 is hereby amended to read as follows:

244.354 ~~{The}~~ ***Except as otherwise provided in section 1 of this act, the*** board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ***and section 1 of this act*** may be incorporated in such ordinance.

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~{Every}~~

1. Except as otherwise provided in subsection 2, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~{,}~~, ***and section 1 of this act.***

2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if ~~{a}~~ :

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly ~~{,}~~ ; and

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~{It}~~

1. Except as otherwise provided in subsection 2, it is unlawful for any licensee or any employee, agent or associate of a licensee to:

~~{1-1}~~ **(a)** Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

~~{2-1}~~ **(b)** Sell tickets to such an assembly without a license first having been obtained.

~~{3-1}~~ **(c)** Hold such an assembly in such a manner as to create a public or private nuisance.

~~{4-1}~~ **(d)** Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

~~{5-1}~~ **(e)** Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

~~{6-}~~ (f) Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

~~{7-}~~ (g) Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

2. *The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if ~~the~~:*

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly ~~to~~; and

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 5. 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. 378.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 312.

AN ACT relating to spendthrift trusts; **revising provisions governing self-settled spendthrift trusts; revising provisions governing the transfer of community property to a spendthrift trust;** prohibiting certain persons from being a distribution trustee of a spendthrift trust; ~~repealing certain provisions governing the powers of a settlor;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to create a spendthrift trust, which is a trust the terms of which provide that the interest of a beneficiary may not be transferred voluntarily or involuntarily to another person. (NRS 166.020, 166.040) Under existing law, a beneficiary of a spendthrift trust may not transfer his or her interest in the trust and a creditor of the beneficiary may not satisfy the creditor's claim from the beneficiary's interest in the trust. (NRS 166.120) Existing law further authorizes the creation of self-settled spendthrift trusts, which are spendthrift trusts in which the settlor is a

beneficiary. Under existing law, a self-settled spendthrift trust may be created only if the trust is irrevocable, does not require any part of the income or principal to be distributed to the settlor and is not be intended to hinder, delay or defraud known creditors. (NRS 166.040)

Section 1.3 of this bill provides that a self-settled spendthrift trust is not enforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance. Section 1.3 further authorizes: (1) the settlor's child, spouse or domestic partner, or former spouse or domestic partner to obtain a court order attaching present or future distributions from a self-settled spendthrift trust to or for the benefit of the settlor; and (2) authorizes a court to order distributions from a self-settled spendthrift trust to satisfy a judgment or court order against the settlor for the support or maintenance of his or her child, spouse or domestic partner or former spouse or domestic partner. Section 1.6 of this bill enacts provisions governing the transfer of community property to a spendthrift trust. Section ~~1.1~~ 1.9 of this bill prohibits the settlor, certain relatives and employees of the settlor, and ~~a~~ business entity in which the settlor holds at least 30 percent of the total voting power of all interests entitled to vote, business entities in which the settlor or certain relatives or employees of the settlor hold certain voting power, from being a distribution trustee of a self-settled spendthrift trust.

~~[Section 2 of this bill repeals a provision of existing law which provides that any agreement or understanding between the settlor of a spendthrift trust and the trustee that attempts to grant or permit the retention of greater rights or authority than is stated in the trust instrument is void.]~~

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

Section 1. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. Notwithstanding any other provision of law, if a spendthrift trust is a self-settled spendthrift trust:

(a) The trust is unenforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance; and

(b) A claimant against whom the trust cannot be enforced pursuant to paragraph (a) may obtain from a court an order attaching present or future distributions to or for the benefit of a beneficiary of the trust who is a settlor of the trust.

2. Notwithstanding any other provision of law, if a trustee of a self-settled spendthrift trust has discretion to determine whether or not to make a distribution to a beneficiary who is a settlor of the trust:

(a) A distribution may be ordered by the court to satisfy a judgment or court order against the beneficiary who is a settlor of the trust for the support or maintenance of that beneficiary's child, spouse or domestic partner, or former spouse or domestic partner; and

(b) The court shall direct the trustee to pay to the child, spouse or domestic partner, or former spouse or domestic partner such amount as is equitable under the circumstances.

3. Notwithstanding any other provision of law, if a child, spouse or domestic partner, or former spouse or domestic partner has a judgment or court order for support or maintenance against a beneficiary of a self-settled spendthrift trust who is a settlor of the trust, the child, spouse or domestic partner, or former spouse or domestic partner may reach a distribution of income or principal which the trustee is required to make to that beneficiary under the terms of the trust, including, without limitation, a distribution upon termination of the trust.

4. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.

(b) "Self-settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.

Sec. 1.6. 1. A transfer of community property to a spendthrift trust is void unless both spouses or domestic partners, whichever is applicable, agree to the transfer in a writing which expressly waives the community property rights of each spouse or domestic partner, whichever is applicable, in the property being transferred to the trust. An agreement between spouses or domestic partners pursuant to this subsection must meet the standards which govern the actions of persons occupying relations of confidence and trust toward each other.

2. As used in this section:

(a) "Community property" means property that is community property pursuant to NRS 123.220.

(b) "Domestic partner" has the meaning ascribed to it in NRS 122A.030.

~~{Section 1.}~~ Sec. 1.9. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust ~~1, at~~ :

(a) At least one trustee of a spendthrift trust must be:

~~1(a)~~ (1) A natural person who resides and has his or her domicile in this State;

~~1(b)~~ (2) A trust company that:

~~1(1)~~ (I) Is organized under federal law or under the laws of this State or another state; and

~~1(2)~~ (II) Maintains an office in this State for the transaction of business; or

~~1(c)~~ (3) A bank that:

~~1(1)~~ (I) Is organized under federal law or under the laws of this State or another state;

~~1(2)~~ (II) Maintains an office in this State for the transaction of business; and

~~1(3)~~ (III) Possesses and exercises trust powers.

(b) *The following persons may not be a distribution trustee:*

(1) *The settlor;*

(2) *The spouse or domestic partner of the settlor;*

(3) *Any person related to the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity;*

(4) *An employee of the settlor;*

(5) *A subordinate employee of the settlor or of a business entity in which the settlor is an executive; or*

(6) *A business entity in which the settlor, or any person listed in subparagraphs (2) to (5), inclusive, holds at least 30 percent of the total voting power of all interests entitled to vote.*

3. As used in this section, “domestic partner” has the meaning ascribed to it in NRS 122A.030.

Sec. 2. ~~NRS 166.045 is hereby repealed.~~ **(Deleted by amendment.)**

†

~~TEXT OF REPEALED SECTION~~

~~166.045 Powers of settlor. The settlor of a spendthrift trust has only those powers and rights that are conferred to the settlor by the trust instrument. An agreement or understanding, express or implied, between the~~

~~settlor and the trustee that attempts to grant or permit the retention of greater rights or authority than is stated in the trust instrument is void.]~~

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. 379.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 227.

AN ACT relating to vehicles; authorizing a person to apply for a letter of abandonment for an abandoned recreational vehicle under certain circumstances; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 1** of this bill authorizes an owner or occupant of private property who discovers an abandoned recreational vehicle on that property to apply for a letter of abandonment for the recreational vehicle. **Section 1** also sets forth the procedure for obtaining a letter of abandonment for a recreational vehicle. **Section 5** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle or has obtained a letter of abandonment from the Department of Motor Vehicles; and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

~~[Existing law sets forth the requirements for the manufacture, sale, distribution, alteration, transportation and installation in this State of manufactured homes, mobile homes, travel trailers, manufactured buildings, commercial coaches and factory built housing. (Chapter 489 of NRS) A "commercial coach" is defined to mean a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. (NRS 489.062) Section 4 of this bill specifically excludes a special commercial coach from the existing definition of a "commercial coach." Section 2 of this bill defines a "special purpose commercial coach" to mean a structure without motive power, not intended for general public use, which is designed and equipped for human occupancy~~

~~for industrial, professional or commercial purposes. Section 2 specifically excludes from the definition of “special commercial coach” any recreational park trailer, portable building or commercial coach.]~~

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the procedure for disposing of an abandoned vehicle set forth in NRS 487.205 to 487.300, inclusive, if a recreational vehicle is abandoned on private property and is discovered by the owner or occupant of the property, the person who discovers the recreational vehicle may apply for a letter of abandonment for the recreational vehicle. The issuance of a letter of abandonment pursuant to this section divests any other person of any interest in the abandoned recreational vehicle.

2. Before applying for a letter of abandonment, the owner or occupant of the property where the abandoned recreational vehicle is located shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number or registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and notify the owner by registered or certified letter to the last known address of the owner that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 60 days, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment. The owner or occupant of the property where the abandoned recreational vehicle is located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.

(b) Place a notice in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located, describing the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial or vehicle identification number or any other identifying information relating to the abandoned recreational vehicle. The owner or occupant of the property where the abandoned recreational vehicle is located shall state in the notice that, if the abandoned recreational vehicle is not claimed and removed within 60 days after the publication date of the newspaper, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment.

3. An owner or occupant of the property where the abandoned recreational vehicle is located may apply to the Department for a letter of abandonment upon the expiration of:

(a) Sixty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 2, if such a letter is required; or

(b) Sixty days after the date of publication of the notice required by paragraph (b) of subsection 2,

↪ whichever is later.

4. An application for a letter of abandonment for an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 2 was mailed at least 60 days before the submission of the application or a detailed explanation of the unsuccessful steps taken to identify all owners of the abandoned recreational vehicle;

(c) Proof that a notice was printed in a newspaper as required by paragraph (b) of subsection 2 at least 60 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number or registration number, if any, of the abandoned recreational vehicle.

5. The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment.

6. Upon receipt of the materials and information required in subsection 4 and any fees required pursuant to subsection 5, the Department shall enter the application upon the records of its office and issue to the applicant a letter of abandonment for the abandoned recreational vehicle.

7. As used in this section, "recreational vehicle" has the meaning ascribed to it in NRS 482.101.

Sec. 2. ~~[Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~"Special purpose commercial coach" means a structure without motive power, not intended for general public use, which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer, portable building or commercial coach.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 489.031 is hereby amended to read as follows:~~

~~489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 489.062 is hereby amended to read as follows:~~

~~489.062 “Commercial coach” means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer, [or] portable building [.] or special purpose commercial coach.” (Deleted by amendment.)~~

Sec. 5. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

1. The person disposing of the recreational vehicle provides:

(a) The title to the recreational vehicle, indicating that he or she is the owner; or

(b) A letter of abandonment issued by the Department of Motor Vehicles pursuant to section 1 of this act; and

2. Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

Sec. 6. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, **and section 5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 444.580 is hereby amended to read as follows:

444.580 **Except as otherwise provided in section 5 of this act:**

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~, **and section 5 of this act**. Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 253.

AN ACT relating to parentage; providing that a child is not required to be made a party to certain actions to determine the paternity of the child; revising provisions governing the representation of a child in ~~such an action;~~ certain actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in an action to determine paternity, a child is required to be made a party to the action. Existing law also requires the child, if he or she is a minor, to be represented by his or her general guardian or a guardian ad litem appointed by the court. (NRS 126.101) ~~This~~ Section 2 of this bill removes from existing law the requirement that a child be made a party to an action to determine the paternity of the child and instead authorizes the child to be made a party to the action. ~~Unless the action is brought by the district attorney pursuant to NRS 125B.150, this bill~~ Section 2 also removes from existing law the requirement that : (1) a minor child be represented by his or her general guardian or a guardian ad litem in an action to determine the paternity of the child ~~but maintains the provisions of existing law governing the appointment of a guardian ad litem~~ ; and (2) in certain child support actions brought by a district attorney ~~that~~ , the district attorney must act as guardian ad litem for the child or the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem for the child.

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

Section 1. NRS 125B.150 is hereby amended to read as follows:

125B.150 1. The district attorney of the county of residence of the child, or of a parent, alleged parent or guardian who does not have physical custody of the child, shall take such action as is necessary to establish parentage of the child and locate and take legal action, including the establishment or adjustment of an obligation of support, against a person who has a duty to support the child when requested to do so by the parent, alleged parent or guardian or a public agency which provides assistance to the parent, alleged parent, guardian or child. If the court for cause transfers the action to another county, the clerk of the receiving court shall notify the district attorney of that county, and that district attorney shall proceed to prosecute the cause of action and take such further action as is necessary to establish parentage and to establish or adjust the obligation of support and to enforce

the payment of support pursuant to this chapter or chapter 31A, 126, 130 or 425 of NRS.

2. In a county where the district attorney has deputies to aid the district attorney in the performance of his or her duties, the district attorney shall designate himself or herself or a particular deputy as responsible for performing the duties imposed by subsection 1.

3. ~~Except as otherwise provided in NRS 126.101, the~~ **The** district attorney and his or her deputies do not represent the parent, alleged parent, guardian or child in the performance of their duties pursuant to this chapter and chapter 31A, 126, 130 or 425 of NRS, but are rendering a public service as representatives of the State.

4. Officials of the Division of Welfare and Supportive Services of the Department of Health and Human Services are entitled to access to the information obtained by the district attorney if that information is relevant to the performance of their duties. The district attorney or his or her deputy shall inform each person who provides information pursuant to this section concerning the limitations on the confidentiality between lawyer and client under these circumstances.

5. Disclosures of criminal activity by a parent or child are not confidential.

6. The district attorney shall inform each parent who applies for the assistance of the district attorney in this regard that a procedure is available to collect unpaid support from any refund owed to the parent who has a duty to support the child because an excessive amount of money was withheld to pay the parent's federal income tax. The district attorney shall submit to the Division of Welfare and Supportive Services all documents and information it requires to pursue such a collection if:

(a) The applicant is not receiving public assistance.

(b) The district attorney has in his or her records:

(1) A copy of the order of support for a child and any modifications of the order which specify their date of issuance and the amount of the ordered support;

(2) A copy of a record of payments received or, if no such record is available, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(3) The current address of the custodial parent.

(c) From the records in the possession of the district attorney, the district attorney has reason to believe that the amount of unpaid support is not less than \$500.

➡ Before submitting the documents and information to the Division of Welfare and Supportive Services, the district attorney shall verify the accuracy of the documents submitted relating to the amount claimed as

unpaid support and the name and social security number of the parent who has a duty to support the child. If the district attorney has verified this information previously, the district attorney need not reverify it before submitting it to the Division of Welfare and Supportive Services.

7. The Division of Welfare and Supportive Services shall adopt such regulations as are necessary to carry out the provisions of subsection 6.

~~[Section 1.]~~ **Sec. 2.** NRS 126.101 is hereby amended to read as follows:

126.101 1. ~~[The]~~ **If the court determines that it is necessary for the child [must] [may] to be made a party to the action, the court may make the child a party to the action. If the child is a minor [the child must be represented by his or her general guardian or a guardian ad litem appointed by the court.] and the court determines that it is necessary to appoint a guardian ad litem to represent the child, the court may appoint a guardian ad litem for the child.** The child's mother or father may not represent the child as guardian or otherwise. ~~[If a district attorney brings an action pursuant to NRS 125B.150 and the interests of the child:~~

~~—(a) Are adequately represented by the appointment of the district attorney as the child's guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment.~~

~~—(b) Are not adequately represented by the appointment of the district attorney as the child's guardian ad litem, the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem in the case.]~~

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 or 3 of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

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. 407.

Bill read second time.

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

Amendment No. 501.

AN ACT relating to public officers; revising provisions relating to residency requirements with reference to eligibility for public office;

prohibiting a district court from issuing a declaratory judgment determining a question of residency of a candidate for certain offices after a certain date; **revising provisions governing the contest of a general election for the office of State Legislator;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person's "actual residence" for the purpose of eligibility to be a candidate for and hold elective public office is the place where the person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place the person declares as his or her principal permanent habitation when declaring or accepting candidacy is deemed to be his or her actual residence. Existing law provides a district court with jurisdiction to determine a question of residency in an action for declaratory judgment. (NRS 281.050)

Section 1 of this bill removes: (1) the provision regarding legal domicile and permanent habitation constituting "actual residency"; and (2) the provision authorizing a person with multiple habitations to declare an actual residence when declaring or accepting candidacy for public office. Instead, a person's residence is deemed to be that place where the person has been actually, physically and corporeally within the State. **Section 1** also provides that a district court does not have jurisdiction in an action to determine the residency of candidates for the Legislature or certain state offices after the statutory deadline for making a change to the ballot for a general election, which is the fourth Friday in June of the year of the general election. (NRS 293.165, 293.166)

Section 3 of this bill provides that, for a state officer who can be removed from office only through impeachment pursuant to Article 7 of the Nevada Constitution, ceasing to reside in the State or, for a certain type of judicial officer, in the district in which he or she is required to reside to be a candidate for the judicial office, is malfeasance for the purposes of impeachment.

Section 4 of this bill clarifies that a person who receives a certificate of election or appointment to office as a Legislator may be removed from office by reason of not residing in the district from which he or she is a Legislator only through expulsion from the Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, except that the election of a person to office as a Legislator may be contested on the grounds that the person does not reside in the district from which he or she is a Legislator pursuant to provisions regarding the contest of elections. (NRS 293.407-293.435)

Section 14 of this bill provides that in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, if the house in which the contest was tried or was to be tried finds that the contest or

defense of the contest was brought or maintained without reasonable ground or to harass the prevailing party, the house may require the party who is not the prevailing party to pay costs, attorney's fees or both, not to exceed certain amounts.

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

Section 1. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to eligibility to office is ~~{the person's actual residence}~~ **that place where the person has been actually, physically and corporeally** within the State or county or district, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed as a candidate for elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law for which the person is a candidate and in which the person is required ~~{actually, as opposed to constructively,}~~ to reside, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. ~~{The}~~ **Except as otherwise provided in subsection 4, the** district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ~~{As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be the person's actual residence.}~~ **A district court does not have jurisdiction in an action to determine the residency of a candidate for:**

(a) *The office of Assemblyman, Assemblywoman or State Senator; or*

(b) *State office if the holder of the office is removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, after the deadline set forth in NRS 293.165 and 293.166 for making a change on the ballot for a general election.*

Sec. 2. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

- (a) The death or resignation of the incumbent.
- (b) The removal of the incumbent from office.
- (c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of the incumbent's official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, a refusal or neglect of the person to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be ~~an actual, as opposed to constructive,~~ **in accordance with the provisions of NRS 281.050, a** resident of the State, district, county, city, ward or other unit prescribed by law in which the duties of the incumbent's office are to be exercised, or from which the incumbent was elected or appointed, or in which the incumbent was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of the incumbent's office for a period of 30 days, except when prevented by sickness or absence from the State or county, as provided by law. In a county whose population is less than 15,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of the incumbent's office for at least 6 months, the district attorney, either on the district attorney's own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the Attorney General, either on the Attorney General's own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

- (1) The medical condition of the incumbent;
- (2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of the incumbent's office; and
- (3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

(i) A determination pursuant to NRS 293.182 or 293C.186 that the incumbent fails to meet any qualification required for the office.

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish the incumbent's office, the Attorney General shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.

3. The provisions of this section do not apply to the extent that they conflict or are otherwise inconsistent with any provision of the Constitution of the State of Nevada regarding the power to judge of the qualifications, elections and returns of or to punish, impeach, expel or remove from office the Governor, other state and judicial officers or State Legislators.

Sec. 3. NRS 283.140 is hereby amended to read as follows:

283.140 1. Any state officer shall be liable to impeachment for misdemeanor or malfeasance in office pursuant to Article 7 of the Nevada Constitution. ***A state officer who is not a judicial officer commits malfeasance in office for the purposes of Article 7 of the Nevada Constitution by ceasing to reside in this State in violation of the provisions of NRS 281.050, and a judicial officer other than a justice of the peace commits malfeasance in office for the purposes of Article 7 of the Nevada Constitution by ceasing to reside in the district in which he or she is required to reside to be a candidate for the judicial office in violation of the provisions of NRS 281.050.***

2. As used in NRS 283.140 to 283.290, inclusive, "state officer" means the Governor and other state and judicial officers, except:

(a) Justices of the peace; and

(b) State Legislators removable from office only through expulsion by their own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 4. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who receives a certificate of election or appointment to office as a Legislator may be removed from office by reason of not residing in the district for which the person is a Legislator, in violation of the provisions of NRS 281.050, only through expulsion by the Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. The election of a person to office as a Legislator may be contested pursuant to NRS 293.407 to 293.435, inclusive, on the grounds that the

person does not reside in the district for which the person is a Legislator, in violation of the provisions of NRS 281.050.

Sec. 5. NRS 218A.200 is hereby amended to read as follows:

218A.200 A person is not eligible to be elected or appointed to office as a Legislator unless the person:

1. Is a qualified elector;
2. Has been ~~an actual, as opposed to constructive,~~ ***in accordance with the provisions of NRS 281.050,*** a citizen resident of this State for 1 year next preceding the person's election or appointment; and
3. At the time of election or appointment, has attained the age of 21 years.

Sec. 6. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~factually, as opposed to constructively,~~ ***in accordance with the provisions of NRS 281.050,*** resides in the district.

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~factually, as opposed to constructively,~~ ***in accordance with the provisions of NRS 281.050,*** resides in the district. To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of

county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 7. NRS 218A.700 is hereby amended to read as follows:

218A.700 1. Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, the appointing authority shall appoint a person who has, in accordance with the provisions of NRS 281.050, ~~factually, as opposed to constructively,~~ resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 8. NRS 223.195 is hereby amended to read as follows:

223.195 1. Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, the Governor shall appoint a person who has, in accordance with the provisions of NRS 281.050, ~~factually, as opposed to constructively,~~ resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 9. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, ~~actually, as opposed to constructively,~~ resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. The Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body.

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 10. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who ~~actually, as opposed to constructively,~~ **, in accordance with the provisions of NRS 281.050,** resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the fourth Friday in June of the year in which the general election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid with the designation.

Sec. 11. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, ~~actually, as opposed to constructively,~~ resided in the State, district, county, township or other area

prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 12. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of.....

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I ~~actually, as opposed to constructively,~~ reside at, in the City or Town of, County of, State of Nevada; that my ~~actual, as opposed to constructive,~~ residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of

NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I ~~actually, as opposed to constructively,~~ reside at, in the City or Town of, County of, State of Nevada; that my ~~actual, as opposed to constructive,~~ residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that

I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate ~~actually, as opposed to constructively,~~ resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

- (a) May not be withheld from the public; and
- (b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

- (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and
- (b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 13. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 and have

~~[actually, as opposed to constructively,]~~ resided at the following residence or residences since November 1 of the preceding year:

.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To.....	From..... To.....
Dates of Residency	Dates of Residency
.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To.....	From..... To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate ~~actually, as opposed to constructively,~~ resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

Sec. 14. NRS 293.427 is hereby amended to read as follows:

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house.

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If after hearing the contest, the house decides to declare the contestant

elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to ~~the~~ the prevailing party to such a contest. ~~The remedy may include, without limitation, any~~ If the house finds that the contest or the defense of the contest was brought or maintained without reasonable ground or to harass the prevailing party, the house may require the party who is not the prevailing party to pay:

(a) Any costs, as defined in NRS 18.005, actually and necessarily incurred by ~~the~~ the prevailing party in connection with the contest ~~it~~, in an amount not to exceed \$500;

(b) Any attorney's fees actually and necessarily incurred by the prevailing party in connection with the contest, in an amount not to exceed \$4,500; or

(c) Costs and attorney's fees as provided in paragraphs (a) and (b).

~~{Sec. 14.}~~ Sec. 15. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, ..., the undersigned do swear or affirm under penalty of perjury that I ~~actually, as opposed to constructively,~~ reside at, in the City or Town of, County of, State of Nevada; that my ~~actual, as opposed to constructive,~~ residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this

office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate ~~actually, as opposed to constructively,~~ resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

- (a) May not be withheld from the public; and
- (b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

- (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and
- (b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

~~{Sec. 15.}~~ **Sec. 16.** NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, ~~{actually, as opposed to constructively,}~~ resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

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. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 314.

AN ACT relating to parentage; revising provisions relating to assisted reproduction; revising provisions relating to gestational carrier arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the circumstances under which the legal relationship of parent and child is established. Under existing law, the legal relationship of mother and child is established by: (1) proof that the woman has given birth to the child; (2) an adjudication that the woman is the mother of the child; or (3) proof that the woman has adopted the child. (NRS 126.041) The legal relationship of father and child is established by: (1) certain presumptions of paternity that arise if a man was married to, or cohabitating with, the natural mother of the child; (2) a presumption of paternity that arises if the man resides with and holds out the child as his natural child; (3) genetic testing establishing that the man is the father of the child; or (4) a certain voluntary acknowledgment of paternity by the man. (NRS 126.041, 126.051, 126.053) Existing law also establishes the parentage of a child: (1) conceived by means of artificial insemination; or (2) born pursuant to a surrogacy agreement. (NRS 126.045, 126.061) This bill replaces the provisions of existing law governing artificial insemination and surrogacy agreements with provisions governing assisted reproduction and gestational agreements which are based on the Uniform Parentage Act adopted by the Uniform Law Commission and the Model Act Governing Assisted Reproductive Technology promulgated by the American Bar Association.

Sections 16-22 of this bill provide for the parentage of a child conceived by a woman by means of assisted reproduction. Under **section 18**, a person who donates eggs, sperm or embryos for assisted reproduction by a woman is not a parent of the resulting child. **Sections 19 and 20** provide that a person who donates eggs, sperm or embryos for assisted reproduction, or a person who consents to assisted reproduction, with the intent of being a parent of the

resulting child is a legal parent of that child. **Section 22** provides for the parentage of a child if the transfer of eggs, sperm or embryos occurs after a marriage or domestic partnership is dissolved.

Sections 23-33 of this bill enact provisions governing gestational agreements under which a woman carries and gives birth to a child intending that another person or persons become the legal parent or parents of the child. **Section 24** provides that if an enforceable gestational agreement is entered into by the gestational carrier, her spouse or domestic partner, if any, and the intended parent or parents: (1) the intended parent or parents under the gestational agreement become the legal parent or parents of the resulting child upon the birth of that child; and (2) the gestational carrier and her spouse or domestic partner, if any, are not the legal parents of the resulting child. **Sections 26 and 27** establish the requirements for: (1) a person to be eligible to be a gestational carrier and the intended parent or parents; and (2) the execution and contents of an enforceable gestational agreement. **Sections 30 and 31** establish remedies for a breach of a gestational agreement. **Sections 32 and 33:** (1) authorize the reimbursement of certain expenses incurred by a donor of a gestational carrier in connection with a gestational agreement; and (2) enact provisions governing the compensation paid to a gestational carrier.

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

Section 1. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in sections 2 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:*

- 1. Intrauterine insemination;*
- 2. Donation of eggs;*
- 3. Donation of embryos;*
- 4. In vitro fertilization and transfer of embryos; and*
- 5. Intracytoplasmic sperm injection.*

Sec. 4. *“Domestic partner” means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.*

Sec. 5. *“Domestic partnership” has the meaning ascribed to it in NRS 122A.040.*

Sec. 6. *“Donor” means a person with dispositional control of eggs, sperm or embryos who provides eggs, sperm or embryos to another person*

for gestation and relinquishes all present and future parental and inheritance rights and obligations to any resulting child.

Sec. 7. “Embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a woman under conditions in which gestation may be reasonably expected to occur.

Sec. 8. “Gamete” means a cell containing a haploid complement of deoxyribonucleic acid that has the potential to form an embryo when combined with another gamete. The term includes:

1. Sperm.
2. Eggs.
3. Nuclear deoxyribonucleic acid from one human being combined with the cytoplasm, including, without limitation, cytoplasmic deoxyribonucleic acid, of another human being.

Sec. 9. “Gestational agreement” means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.

Sec. 10. “Gestational carrier” means an adult woman who is not an intended parent and who enters into a gestational agreement to bear a child ~~to whom she has no genetic relationship.~~ conceived using the gametes of other persons and not her own.

Sec. 11. “Intended parent” means a person, married or unmarried, who manifests the intent as provided in sections 2 to 33, inclusive, of this act, to be legally bound as the parent of a child resulting from assisted reproduction.

Sec. 12. “In vitro fertilization” means the formation of a human embryo outside the human body.

Sec. 13. “Parent” means a person who has established the parent and child relationship.

Sec. 14. “Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 15. “Sign” means, with present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 16. Except as otherwise provided by any other provision of law, unless parental rights are terminated, a parent and child relationship established under sections 2 to 33, inclusive, of this act applies for all purposes.

Sec. 17. *Sections 2 to 33, inclusive, of this act do not apply to the birth of a child conceived by means other than assisted reproduction.*

Sec. 18. *A donor is not a parent of a child conceived by means of assisted reproduction.*

Sec. 19. *A person who provides gametes for, or consents to, assisted reproduction by a woman, as provided in section 20 of this act, with the intent to be a parent of her child is a parent of the resulting child.*

Sec. 20. 1. *Consent by a person who intends to be a parent of a child born by assisted reproduction must be in a signed record. ~~{This requirement does not apply to a donor.}~~*

2. *Failure of a person to sign a consent required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if the woman and the person, during the first 2 years of the child's life, resided together in the same household with the child and openly held out the child as their own.*

Sec. 21. 1. *Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a woman who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:*

(a) *Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and*

(b) *The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.*

2. *A proceeding to adjudicate parentage may be maintained at any time if the court determines that:*

(a) *The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth;*

(b) *The legal spouse or domestic partner and the woman who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and*

(c) *The legal spouse or domestic partner never openly held out the child as his or her own.*

~~{ 3. The provisions of this section only apply to a marriage or domestic partnership declared invalid after the assisted reproduction. }~~

Sec. 22. 1. *If a marriage or domestic partnership is dissolved or terminated before the transfer of eggs, sperm or embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.*

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before placement of the eggs, sperm or embryos. ~~[A person who withdraws his or her consent pursuant to this subsection is not a parent of the resulting child.]~~

Sec. 23. 1. A prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of section 27 of this act.

4. ~~[A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.]~~

~~—5.—~~ A gestational agreement may provide for payment of consideration pursuant to sections 32 and 33 of this act.

Sec. 24. 1. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a

court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of section 26 of this act;

(b) The intended parent or parents satisfy the requirements set forth in subsection 2 of section 26 of this act; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in section 27 of this act.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) The resulting child is to be born in this State;

(b) A copy of the gestational agreement is attached to the petition; and

(c) The requirements of sections 26 and 27 of this act are satisfied,

↪ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 25. 1. Except as otherwise provided in NRS 239.0115, all hearings held in a proceeding under sections 23 to 33, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the parties to a gestational agreement, their witnesses and attorneys, except by order of the court.

2. The files and records pertaining to a gestational carrier arrangement, gestational agreement or proceeding under sections 23 to 33, inclusive, of this act are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor; or

(b) As provided pursuant to subsection 3.

3. A person who intends to file a petition to enforce a gestational agreement may inspect the files or the records of the court concerning the gestational agreement.

Sec. 26. 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to sections 23 to 33, inclusive, of this act, if, at the time the gestational agreement is executed, she:

(a) Is at least 21 years of age;

(b) Has given birth to at least one child;

(c) *Has completed a medical evaluation relating to the anticipated pregnancy;*

(d) *Has completed a mental health evaluation relating to the anticipated gestational carrier arrangement;*

(e) *Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and*

(f) *Did not contribute any gametes that will ultimately result in an embryo that she will attempt to carry to term.*

2. *The intended parent or parents shall be deemed to have satisfied the requirements of sections 23 to 33, inclusive, of this act if, before the gestational carrier agreement is executed, he, she or they have:*

(a) *Completed a mental health evaluation relating to the anticipated gestational carrier arrangement; and*

(b) *Undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.*

Sec. 27. 1. *A gestational agreement is enforceable only if it satisfies the requirements of this section.*

2. *The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.*

3. *A gestational agreement must:*

(a) *Be in writing;*

(b) *Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical or mental health evaluations required by section 26 of this act to determine the eligibility of the gestational carrier and the intended parent or parents, by:*

(1) *A gestational carrier satisfying the eligibility requirements of section 26 of this act and the legal spouse or domestic partner of the gestational carrier, if any; and*

(2) *An intended parent or parents satisfying the eligibility requirements of section 26 of this act;*

(c) *Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and*

(d) *Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.*

4. *A gestational agreement must provide for:*

(a) *The express written agreement of the gestational carrier to:*

(1) Undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician of her choosing, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including,

without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

Sec. 28. 1. Any person who is considered to be the parent of a child under sections 23 to 33, inclusive, of this act is obligated to support the child.

2. The breach of the gestational agreement by the intended parent or parents does not relieve such an intended parent or parents of the obligation to support a resulting child.

~~[3. A donor may be liable for child support only if he or she fails to enter into a legal agreement in which the donor relinquishes his or her rights to any gametes, resulting embryos or resulting child, and the intended parent or parents fail to enter into an agreement in which the intended parent or parents agree to assume all rights and responsibilities for any resulting child.]~~

Sec. 29. The marriage or domestic partnership of a gestational carrier after she executes a gestational agreement does not affect the validity of the gestational agreement and:

1. The consent of the legal spouse or domestic partner of the gestational carrier to the gestational agreement is not required.

2. The legal spouse or domestic partner of the gestational carrier must not be presumed to be the parent of any resulting child.

Sec. 30. 1. A gestational carrier, her legal spouse or domestic partner, if any, or the intended parent or parents are in noncompliance when he, she or they breach any provision of the gestational agreement or fail to meet any of the requirements of sections 23 to 33, inclusive, of this act.

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement based solely on the evidence of the original intent of the parties.

3. There must be no specific performance remedy available for breach of the gestational agreement by the gestational carrier that would require the gestational carrier to be impregnated.

Sec. 31. 1. Except as otherwise provided by section 30 of this act or by an express term of the gestational agreement, the intended parent or parents are entitled to any remedy available at law or equity.

2. Except as expressly provided by an express term of the gestational agreement, the gestational carrier is entitled to any remedy available at law or equity.

Sec. 32. 1. A gestational carrier may receive reimbursement for expenses and economic losses resulting from participation in the gestational carrier arrangement.

2. A donor may receive reimbursement for expenses and economic losses resulting from the retrieval or storage of gametes or embryos and incurred after the donor has entered into a valid agreement in a record to be a donor.

3. Except as otherwise provided in subsection 4, economic losses occurring before the donor has entered into a valid agreement in a record to be a donor may not be reimbursed.

4. Any premiums paid for insurance against economic losses directly resulting from the retrieval or storage of gametes or embryos for donation may be reimbursed even if such premiums were paid before the donor entered into a valid agreement in a record, so long as such agreement becomes valid and effective before the gametes or embryos are used in assisted reproduction pursuant to the terms of the agreement.

Sec. 33. 1. The consideration, if any, paid to a donor or prospective gestational carrier must be negotiated in good faith between the parties.

2. Compensation must not be conditioned upon the purported quality or genome-related traits of the gametes or embryos.

Sec. 34. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. ~~{The natural mother}~~ A woman may be established by :

(a) Except as otherwise provided in sections 23 to 33, inclusive, of this act proof of her having given birth to the child ~~{, or under}~~ ;

(b) An adjudication of the woman's maternity pursuant to this chapter, or NRS 125B.150 or 130.701 ~~{,}~~ ;

(c) Proof of adoption of the child by the woman;

(d) An un rebutted presumption of the woman's maternity;

(e) The consent of the woman to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(f) An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of sections 23 to 33, inclusive, of this act or any other provision of law.

2. ~~{The natural father}~~ A man may be established ~~{under}~~ :

(a) Under this chapter, or NRS 125B.150, 130.701 or 425.382 to 425.3852, inclusive ~~{,}~~ ;

~~3. An adoptive parent may be established by proof of adoption.} ;~~

(b) By proof of adoption of the child by the man;

(c) By the consent of the man to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(d) By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to

the provisions of sections 23 to 33, inclusive, of this act, or other provision of law.

Sec. 35. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the natural parent of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a ~~surrogate, be inseminated and give birth to the child of a man who is not her husband.~~ **gestational carrier, as defined in section 10 of this act.**

Sec. 36. NRS 126.045 and 126.061 are hereby repealed.

TEXT OF REPEALED SECTIONS

126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.

1. Two persons whose marriage is valid under chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Any such contract must contain provisions which specify the respective rights of each party, including:

- (a) Parentage of the child;
- (b) Custody of the child in the event of a change of circumstances; and
- (c) The respective responsibilities and liabilities of the contracting parties.

2. A person identified as an intended parent in a contract described in subsection 1 must be treated in law as a natural parent under all circumstances.

3. It is unlawful to pay or offer to pay money or anything of value to the surrogate except for the medical and necessary living expenses related to the birth of the child as specified in the contract.

4. As used in this section, unless the context otherwise requires:

(a) “Assisted conception” means a pregnancy resulting when an egg and sperm from the intended parents are placed in a surrogate through the intervention of medical technology.

(b) “Intended parents” means a man and woman, married to each other, who enter into an agreement providing that they will be the parents of a child born to a surrogate through assisted conception.

(c) “Surrogate” means an adult woman who enters into an agreement to bear a child conceived through assisted conception for the intended parents.

126.061 Artificial insemination.

1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if the husband were the natural father of a child thereby conceived. The husband’s consent must be in writing and signed by the husband and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband’s consent with the Health Division of the Department of Health and Human Services, where, except as otherwise provided in NRS 239.0115, it must be kept confidential and in a sealed file. The physician’s failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor’s wife is treated in law as if the donor were not the natural father of a child thereby conceived.

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. 424.

Bill read second time.

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

Amendment No. 445.

AN ACT relating to the State Fire Marshal; authorizing the State Fire Marshal and the State Board of Fire Services to issue administrative citations; **requiring the Board to establish by regulation a schedule of administrative fines;** establishing provisions for the contest of such citations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the membership and duties of the State Fire Marshal and the State Board of Fire Services. (NRS 477.030, 477.071-477.090) **Section 2** of this bill authorizes the State Fire Marshal and the Board to issue a written administrative citation if the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any statute or regulation relating to the State Fire Marshal. **Section 2 also requires the Board to establish by regulation a schedule of administrative fines based on the severity or frequency of the violation.** **Section 3** of this bill establishes the procedure by which a person may contest an administrative citation.

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

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *If the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has committed a violation of this chapter or the regulations of the State Fire Marshal, the State Fire Marshal or the Board may issue a written administrative citation to the person.*

2. *A citation issued pursuant to this section includes, without limitation, an order to:*

(a) *Take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the State Fire Marshal, at the person's cost;*

(b) *Pay an administrative fine ~~[not to exceed \$50,000;]~~ imposed in accordance with the schedule of administrative fines prescribed by the Board pursuant to subsection 4; and*

(c) *Reimburse the State Fire Marshal or the Board for the amount of the expense incurred to investigate the complaint.*

3. *If a written citation issued pursuant to subsection 1 includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the State Fire Marshal, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and must specifically describe the action required to be taken.*

4. The Board shall by regulation establish a schedule of at least three different levels of administrative fines not to exceed \$50,000, based on the severity and frequency of the violation of any provision of this chapter or any regulation of the State Fire Marshal.

5. *The sanctions authorized by subsection 2 are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.*

~~{5.}~~ 6. *The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the State Fire Marshal or the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.*

Sec. 3. 1. *A person who is issued a written citation pursuant to section 2 of this act may contest the citation within 15 business days after the date on which the citation is served on the person.*

2. *A person may contest, without limitation:*

(a) *The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the State Fire Marshal;*

(b) *The time allowed to take any corrective action ordered;*

(c) *The amount of any administrative fine ordered;*

(d) *The amount of any order to reimburse the State Fire Marshal or the Board for the expenses incurred to investigate the person; and*

(e) *Whether any corrective action described in the citation is reasonable.*

3. *If a person does not contest a citation issued pursuant to section 2 of this act within 15 business days after the date on which the citation is served on the person, or on or before such later date as specified by the State Fire Marshal or the Board pursuant to subsection 4, the citation shall be deemed a final order of the State Fire Marshal or the Board and not subject to review by any court or agency.*

4. *The State Fire Marshal or the Board may, for good cause shown, extend the time to contest a citation issued pursuant to section 2 of this act.*

5. *For the purposes of this section, a citation shall be deemed to have been served on a person on:*

(a) *The date on which the citation is personally delivered to the person;*
or

(b) *If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.*

Sec. 4. NRS 477.071 is hereby amended to read as follows:

477.071 As used in NRS 477.071 to 477.090, inclusive, **and sections 2 and 3 of this act**, unless the context otherwise requires, "Board" means the State Board of Fire Services created pursuant to NRS 477.073.

Sec. 5. This act becomes effective ~~on July 1, 2013.~~ on July 1, 2013.

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, 2014, for all other purposes.

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. 438.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 351.

AN ACT relating to public servants; requiring a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies; providing for certain exceptions; providing civil remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Ethics in Government Law prohibits, for a cooling-off period of 1 year, a former public officer who served with a state or local agency from accepting compensation to represent or counsel another person upon certain matters that were under consideration by the agency during his or her former service. (NRS 281A.410) For violations of the Ethics Law, the Commission on Ethics may impose civil remedies and penalties. (NRS 281A.480)

Section 1 of this bill amends the Ethics Law to prohibit a former public officer who was elected to office as a member of a local legislative body or the Board of Regents of the University of Nevada from serving as a paid lobbyist on any matters under consideration by the public body on which he or she served for a cooling-off period of 2 years after leaving office. Under the Ethics Law, a local legislative body includes a board of county commissioners, a governing body of a city or a governing body of any other political subdivision that performs any policy-making function. (NRS 281A.125) **Section 1** also provides exceptions for former public officers who are employed by their former public bodies or another public body or agency after leaving office and who are acting in the course of their public employment. Additionally **section 1** provides exceptions for former public officers who are employed by a bona fide news medium and who are acting in the course of their professional duties and news gathering function.

Section 2 of this bill provides that the cooling-off period applies only to a ~~former public officer who leaves~~ **person who is elected to** such an office **for a term commencing** on or after July 1, 2013 ~~or~~, **or a person who is appointed to serve the remainder of such an unexpired term.**

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

Section 1. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A former public officer who was elected as a member of a local legislative body shall not accept compensation or other consideration to serve as a lobbyist on any matter under consideration by that local legislative body for a period of 2 years after the date on which the former public officer leaves office as a member of that local legislative body.*

2. *A former public officer who was elected as a member of the Board of Regents of the University of Nevada shall not accept compensation or other consideration to serve as a lobbyist on any matter under consideration by the Board of Regents for a period of 2 years after the date on which the former public officer leaves office as a member of the Board of Regents.*

3. *As used in this section:*

(a) *“Consideration” means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.*

(b) *“Elected” means elected to a public office listed in this section or appointed to serve the remainder of an unexpired term of such a public office.*

(c) *“Lobbyist” means a former public officer listed in this section who, for compensation or other consideration, communicates directly with a member of the public body on which he or she served on behalf of someone other than himself or herself to influence the member’s action on any matter under consideration by that public body, except the term does not include:*

(1) *A former public officer who is employed by the public body on which he or she served and who engages in conduct described in this section only in the course of his or her employment with the public body.*

(2) *A former public officer who is employed by another public body or agency and who engages in conduct described in this section only in the course of his or her employment with the other public body or agency.*

(3) *A former public officer who is an employee of a bona fide news medium and who engages in conduct described in this section only in the course of his or her professional duties and who communicates with members of the public body for the sole purpose of carrying out his or her news gathering function.*

Sec. 2. This act applies only to a ~~former public officer who leaves~~ person who is elected to a public office listed in section 1 of this act for a

term commencing on or after July 1, 2013 ~~to~~, **or a person who is appointed to serve the remainder of such an unexpired term.**

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Assembly Bill No. 442.

Bill read second time and ordered to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 228.

AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information ~~and assistance~~, **services or products** to the traveling public; increasing fines for certain violations committed in roadside parks or rest areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to designate appropriate locations for the construction of certain roadside facilities and signs which provide information to members of the traveling public concerning accommodations, food, fuel and recreation. (NRS 408.551, 408.553) Existing law allows such facilities or signs to be erected or constructed and maintained by the Department or by a city, county or other governmental agency or private person, under contract with the Department. (NRS 408.553) Federal law newly authorizes a state to allow the installation of signs that acknowledge the sponsorship of a rest area, and to allow a private party to operate limited commercial activities at a rest area. (23 U.S.C. §§ 111, 131) **Section 3** of this bill allows the Director of the Department, with the approval of the Board of Directors of the Department, to authorize a private person to erect or construct, sponsor, operate or maintain a facility or a sign at a rest area, under contract with the Department. **Section 4** of this bill makes conforming changes to the authorization of the Department to adopt regulations regarding such facilities and signs. (NRS 408.557)

Existing law makes it unlawful for any person, firm, corporation, association or other entity, other than a public utility, to sell, exhibit or offer for sale certain goods and services or to erect, place, post or maintain certain signs in any roadside park or safety rest area in this State. A person who violates that provision, or any regulation adopted governing roadside parks or safety rest areas, shall be punished by a fine of not more than \$100 for a first offense and not more than \$500 for each subsequent offense. (NRS 408.433) **Section 1** of this bill raises the limit on a fine for a first such offense to not more than \$1,000, and for each subsequent offense to not more than \$5,000.

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

Section 1. NRS 408.433 is hereby amended to read as follows:

408.433 1. ~~It~~ **Except as otherwise provided in NRS 408.553, it** is unlawful for any person, firm, corporation, association or other entity, other than a public utility, to:

(a) Sell, exhibit or offer for sale any goods, wares, products, merchandise or services; or

(b) Erect, place, post or maintain any sign, billboard, placard, notice or other form of advertising,

↪ in any roadside park or safety rest area in this state, or in the approaches thereto.

2. Any person who violates any provision of this section or any regulation adopted under this chapter governing roadside parks or safety rest areas shall be punished by a fine of not more than ~~100~~ **\$1,000** for a first offense and not more than ~~500~~ **\$5,000** for each subsequent offense.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, "center" means a facility , **including, without limitation, a safety rest area,** to provide information, ~~and~~ **services or products** to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some **other** means of communication.

Sec. 3. NRS 408.553 is hereby amended to read as follows:

408.553 1. The Director may designate appropriate locations for the construction of centers and the erection and maintenance of directional and informational signs within the right-of-way.

2. The signs or centers may be erected or constructed ~~and~~ , **sponsored, operated or** maintained by:

~~1. (a)~~ The Department; ~~for~~
—2. ~~(b)~~ A city, county or other governmental agency , ~~for private person,~~
under contract with the Department ~~1. ; or~~

(c) A private person under contract with the Department, if the person has been authorized by the Director, with approval of the Board, to enter into such a contract.

Sec. 4. NRS 408.557 is hereby amended to read as follows:

408.557 1. The Director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected at a location designated pursuant to NRS 408.553;

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

(c) Fixing the qualifications of a person or governmental agency to **erect or construct**, operate , **sponsor or maintain** a center **or sign** and of an enterprise to be identified on a directional or informational sign;

(d) Fixing reasonable fees, based upon the market value as determined by the Department, for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ~~information and assistance~~ :

(I) Information, services or products concerning commercial attractions ; and ~~services; and~~

(II) Items designed to promote tourism in this State;

(e) Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive.

2. The regulations adopted by the Director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. ~~§§~~ **§§ 111 and 131**.

Sec. 5. NRS 408.559 is hereby amended to read as follows:

408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive. The plan must take into consideration such factors as:

1. Economic development in this state.

2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive.

3. Population in a particular area.

4. Proposed highway construction.

5. Need for information , ~~and~~ **services or products**.

↪ The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, have been uniformly put into effect throughout the State.

Sec. 6. NRS 408.562 is hereby amended to read as follows:

408.562 The Director may recommend to the Board, for its approval, programs to provide information , ~~and~~ **services or products** to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567.

Sec. 7. NRS 408.563 is hereby amended to read as follows:

408.563 The Department may contract or enter into other agreements with governmental agencies in this state or an adjoining state or with private persons to study various systems of providing information, ~~and~~ **services or products** to the traveling public and to **erect or construct, sponsor, operate or maintain** signs **and centers** which provide ~~that such information~~ ~~such assistance~~, **services or products to the traveling public.**

Sec. 8. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ~~information and assistance~~ ;

(I) Information, services or products concerning commercial attractions ; and ~~services;~~

(II) Items designed to promote tourism in this State;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the Legislature for the purposes of NRS 408.551 to 408.567, inclusive,

↪ must be deposited with the State Treasurer for credit to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund, which is hereby created.

2. Money in the Account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 306.

AN ACT relating to courts; **authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library;** revising certain fees in the justice court; requiring the county treasurer to deposit a portion of ~~the~~ **such**

fees received from justice courts into a special account to be used for certain purposes; **requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) Section 1 of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed \$8, to offset a portion of the costs of operating such a law library. Section 1 also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace ~~shall~~ **is required to** pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) ~~This~~ **Section 1.5 of this** bill increases the amount of certain fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

~~This bill~~ **Section 1.5** also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of ~~the~~ **each** justice ~~courts~~ **court** within the county. The money in the account ~~must not be used to supplant existing budgets for the support or operation of the justice courts within the county, and~~ must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for ~~the~~ **a justice ~~courts~~ **court** or a multi-use facility that includes ~~the~~ **a justice ~~courts~~ **court**; (2) to acquire advanced technology for the use of ~~the~~ **a justice ~~courts~~ **court**; (3) to acquire equipment or additional staff to enhance the security of the facilities used by ~~the~~ **a justice ~~courts~~ **court**, justices of the peace, staff of ~~the~~ **a justice ~~courts~~ **court** and residents of this State who access the justice courts; ~~and~~ (4) to pay for **the training of staff or the hiring of additional** staff to**********

support the operation of ~~the~~ a justice ~~court.~~ court; and (5) to pay for one-time projects for the improvement of a justice court. Section 1.5 also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.

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

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

1. In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed \$8, to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.

~~{Section 1}~~ **Sec. 1.5.** NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~1~~\$1,000 \$28.00

~~If the sum claimed exceeds \$1,000 but does not~~

~~exceed~~ \$2,500 \$ 50.00

If the sum claimed exceeds \$2,500 but does not

~~exceed~~ ~~4,500~~ \$5,000 100.00

~~If the sum claimed exceeds \$4,500 but does not~~

exceed \$6,500	125.00
If the sum claimed exceeds \$6,500 but does not	
exceed \$7,500	150.00
If the sum claimed exceeds ~~[\$7,500]~~ \$5,000 but does	
not exceed \$10,000	175.00
<i>In ~~all~~ a civil ~~actions~~ action for unlawful detainer</i>	
<i>pursuant to NRS ~~40.250 to 40.254~~ 40.290 to</i>	
<i>40.420, inclusive, in which a notice to quit has been</i>	
<i>served pursuant to NRS 40.255</i>	225.00
In all other civil actions	~~[28.00]~~ 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000	~~[\$25.00]~~ \$45.00
If the sum claimed exceeds \$1,000 but does not	
exceed \$2,500	~~[45.00]~~ 65.00
If the sum claimed exceeds \$2,500 but does not	
exceed \$5,000	~~[65.00]~~ 85.00
If the sum claimed exceeds \$5,000 but does not	
exceed \$7,500	125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions	~~[\$12.00]~~ \$50.00
For every additional defendant, appearing separately	~~[6.00]~~ 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention

~~[\$6.00]~~ **\$25.00**

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court ,

other than a writ of restitution

~~[\$6.00]~~ **\$25.00**

(g) ***For the issuance of any writ of restitution***

\$75.00

(h) For filing a notice of appeal, and appeal bonds

~~[\$12.00]~~ **\$25.00**

One charge only may be made if both papers are filed at the same time.

~~[(h)]~~ (i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court

~~[\$12.00]~~ **\$25.00**

~~[(i)]~~ (j) For preparation and transmittal of transcript and

papers on appeal~~[\$12.00]~~ **\$25.00**
~~[(j)]~~ **(k)** For celebrating a marriage and returning the
 certificate to the county recorder or county clerk \$50.00
~~[(k)]~~ **(l)** For entering judgment by confession.....~~[\$6.00]~~ **\$50.00**
~~[(l)]~~ **(m)** For preparing any copy of any record, proceeding
 or paper, for each page.....~~[\$.30]~~ **\$1.00**
~~[(m)]~~ **(n)** For each certificate of the clerk, under the
 seal of the court..... \$3.00
~~[(n)]~~ **(o)** For searching records or files in his or her office,
 for each year \$1.00
~~[(o)]~~ **(p)** For filing and acting upon each bail or
 property bond.....~~[\$40.00]~~ **\$50.00**

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(j)]~~ **(k)** of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected **pursuant to subsection 1** during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph ~~[(j)]~~ **(k)** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~[(o)]~~ **(p)** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. ~~[(The)]~~ **Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of the each justice courts court within the county. The money in that account must not be used to supplant existing budgets for the support or operation of the justice courts within the county, and must be used only to:**

(a) Acquire land on which to construct additional facilities or a portion of a facility for ~~the~~ a justice ~~courts,~~ court or a multi-use facility that includes ~~the~~ a justice ~~courts,~~ court;

(b) Construct or acquire additional facilities or a portion of a facility for ~~the~~ a justice ~~courts,~~ court or a multi-use facility that includes ~~the~~ a justice ~~courts,~~ court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for ~~the~~ a justice ~~courts,~~ court or a multi-use facility that includes ~~the~~ a justice ~~courts,~~ court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for ~~the~~ a justice ~~courts,~~ court or a multi-use facility that includes ~~the~~ a justice ~~courts,~~ court;

(e) Acquire advanced technology for the use of ~~the~~ a justice ~~courts,~~ court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by ~~the~~ a justice ~~courts,~~ court, justices of the peace, staff of ~~the~~ a justice ~~courts,~~ court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of ~~the~~ a justice ~~courts,~~ and court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for ~~the~~ a justice ~~courts,~~ court or a multi-use facility that includes ~~the~~ a justice ~~courts,~~ court; and

(i) Pay for one-time projects for the improvement of a justice court.

↪ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. This act becomes effective on July 1, 2013.

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. 59.

Bill read second time.

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

Amendment No. 410.

AN ACT relating to public works; formalizing and renaming existing components of the State Public Works Division of the Department of Administration to create a Public Works - Compliance and Code Enforcement Section and a Public Works - Professional Services Section within the Division; providing regulatory authority for the Administrator of the Division and the State Public Works Board of the Division; ~~eliminating a requirement that the Division periodically inspect buildings owned by the Nevada System of Higher Education;~~ eliminating a requirement that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation; repealing a requirement to report to the Legislature annually on projects of construction of state buildings that are financed by certain bonds or obligations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Public Works Division, consisting of the Administrator of the Division, the Buildings and Grounds Section and the State Public Works Board, within the Department of Administration. (NRS 341.017) **Section 1** of this bill formalizes and renames existing components of the State Public Works Division to create a Public Works - Compliance and Code Enforcement Section and a Public Works - Professional Services Section within the Division. **Section 2** of this bill provides that these two sections will each be led by one of the existing deputy administrators.

Existing law grants the Administrator such powers as may be necessary to fulfill his or her functions. (NRS 341.110) **Section 4** of this bill requires the Administrator to adopt such regulations as he or she determines are necessary

for the Buildings and Grounds Section and to recommend to the Board such regulations as he or she determines are necessary for the Public Works - Compliance and Code Enforcement Section and the Public Works - Professional Services Section. **Section 4** also requires the Board to consider the Administrator's recommendations and to adopt such regulations as it determines are necessary for the Public Works - Compliance and Code Enforcement Section and the Public Works - Professional Services Section.

~~[Existing law requires the Division to periodically inspect all state buildings and physical plant facilities, including all buildings at the University of Nevada, Reno, and the University of Nevada, Las Vegas. (NRS 341.129) Section 5 of this bill eliminates the requirement that all buildings at those universities be periodically inspected and excludes any building owned by the Nevada System of Higher Education from the periodic inspections of the Division.]~~

Existing law requires that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation for the building. (NRS 341.151) **Section 7** of this bill eliminates that requirement.

Existing law requires that the Division compile a report concerning projects of construction of state buildings that are financed by general obligation bonds, revenue bonds or medium-term obligations for each fiscal year and submit this report annually to the Legislature. (NRS 341.129) **Section 14** of this bill repeals that requirement.

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

Section 1. NRS 341.017 is hereby amended to read as follows:

341.017 1. There is hereby created the State Public Works Division of the Department of Administration.

2. The Division consists of:

- (a) The Administrator;
- (b) The Buildings and Grounds Section; ~~and~~
- (c) **The Public Works - Compliance and Code Enforcement Section;**
- (d) **The Public Works - Professional Services Section; and**
- (e) The State Public Works Board.

3. The Division shall, subject to the administrative supervision of the Director of the Department, administer the provisions of this chapter and NRS 331.010 to 331.145, inclusive.

Sec. 2. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator ~~for compliance and code enforcement~~ **of the Public Works - Compliance and Code Enforcement Section** serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator ~~{for professional services;}~~ **of the Public Works - Professional Services Section;** and

(b) A Deputy Administrator of the Buildings and Grounds Section.

↪ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator ~~{for compliance and code enforcement;}~~ **of the Public Works - Compliance and Code Enforcement Section.** The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator and the Deputy Administrator ~~{for professional services}~~ **of the Public Works - Professional Services Section** must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a

detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 3. NRS 341.105 is hereby amended to read as follows:

341.105 1. When acting in the capacity of building official pursuant to subsection 9 of NRS 341.100, the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** or his or her designated representative may issue an order to compel the cessation of work on all or any portion of a building or structure based on health or safety reasons or for violations of applicable building codes or other laws or regulations.

2. If a person receives an order issued pursuant to subsection 1, the person shall immediately cease work on the building or structure or portion thereof.

3. Any person who willfully refuses to comply with an order issued pursuant to subsection 1 or who willfully encourages another person to refuse to comply or assists another person in refusing to comply with such an order is guilty of a misdemeanor and shall be punished as provided in NRS 193.150. Any penalties collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

4. In addition to the criminal penalty set forth in subsection 3, the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** may impose an administrative penalty of not more than \$1,000 per day for each day that a person violates subsection 3.

5. If a person wishes to contest an order issued to the person pursuant to subsection 1, the person may bring an action in district court. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. An action brought pursuant to this subsection does not stay enforcement of the order unless the district court orders otherwise.

6. If a person refuses to comply with an order issued pursuant to subsection 1, the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** may bring an action in the name of the State of Nevada in district court to compel compliance and to collect any administrative penalties imposed pursuant to subsection 4. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. Any attorney's fees and costs awarded by the court in favor of the State and any penalties collected in the action must be deposited with the State Treasurer for credit to the State General Fund.

7. No right of action exists in favor of any person by reason of any action or failure to act on the part of the Division, Director of the Department, Administrator, Board or the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** or any officers, employees or agents of the Division in carrying out the provisions of this section.

8. As used in this section, "person" includes a government and a governmental subdivision, agency or instrumentality.

Sec. 4. NRS 341.110 is hereby amended to read as follows:

341.110 **1.** In general, the Administrator shall have such powers as may be necessary to enable him or her to fulfill his or her functions and to carry out the purposes of this chapter.

2. The Administrator shall:

(a) Adopt such regulations as he or she determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Buildings and Grounds Section; and

(b) Recommend to the Board the adoption of such regulations as he or she determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Public Works - Compliance and Code Enforcement Section or the Public Works - Professional Services Section.

3. The Board shall:

(a) Consider the recommendations of the Administrator when adopting regulations; and

(b) Adopt such regulations as it determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Public Works - Compliance and Code Enforcement Section or the Public Works - Professional Services Section.

Sec. 5. ~~NRS 341.128 is hereby amended to read as follows:~~

~~341.128 The Division shall **periodically**, inspect all state buildings [periodically, including all buildings at the University of Nevada, Reno, and at the University of Nevada, Las Vegas,] and all physical plant facilities at all state institutions [.] , **excluding any building owned by any component of the Nevada System of Higher Education and used for any purpose related to the System.** Reports of all inspections, including findings and recommendations, must be submitted to the appropriate state agencies and, if the Division finds any matter of serious concern in a report, it shall submit that report to the Legislative Commission.] **(Deleted by amendment.)**~~

Sec. 6. NRS 341.145 is hereby amended to read as follows:

341.145 1. The Administrator:

(a) Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the Administrator shall apply for the rebate.

(b) Shall solicit bids for and let all contracts for new construction or major repairs.

(c) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

(1) The bid is less than the appropriation made by the Legislature for that building project; and

(2) The bid does not exceed the relevant budget item for that building project as established by the Administrator by more than 10 percent.

(d) May reject any or all bids.

(e) After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

(f) Shall obtain prior approval from the Interim Finance Committee before authorizing any change in the scope of the design or construction of a project as that project was authorized by the Legislature, if the change increases or decreases the total square footage or cost of the project by 10 percent or more.

(g) Except for changes that require prior approval pursuant to paragraph (f), may authorize change orders, before or during construction:

(1) In any amount, where the change represents a reduction in the total awarded contract price.

(2) Except as otherwise provided in subparagraph (3), not to exceed in the aggregate 15 percent of the total awarded contract price, where the change represents an increase in that price.

(3) In any amount, where the total awarded contract price is less than \$50,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

(4) In any amount, where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interests of the State.

(h) Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the Administrator a change order that has been authorized by the design professional. As used in this paragraph, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

(i) Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract, and to file the notice of completion for the building or structure.

(j) Shall obtain prior approval from the Legislature or the Interim Finance Committee, if the Legislature is not in session, before cancelling a project authorized by the Legislature or delaying the commencement or completion of such a project beyond the period for which money for the project was authorized.

2. The Deputy Administrator ~~[for compliance and code enforcement,] of the Public Works - Compliance and Code Enforcement Section~~, when acting as building official pursuant to subsection 9 of NRS 341.100, has the final authority in:

(a) Requiring necessary alterations to conform to any building codes adopted by the Board; and

(b) Issuing a certificate of occupancy for a building or structure.

3. In acting upon a proposed change in the scope of the design or construction of a project pursuant to paragraph (f) of subsection 1 or a proposed cancellation or delay of a project pursuant to paragraph (j) of subsection 1, the Interim Finance Committee shall consider, among other things:

(a) The reason provided by the Administrator for the proposed change in the scope of the design or construction or the cancellation or delay of the project;

(b) The current need for the project; and

(c) The intent of the Legislature in originally approving the project.

Sec. 7. NRS 341.151 is hereby amended to read as follows:

341.151 1. The Division shall provide for a system of accounting for the total costs of state buildings throughout their expected useful life, taking into account all expenses of maintenance and operation.

2. Each proposal for the construction of a state building must include:

(a) Figures showing the final total cost of the building, which is the sum of:

(1) Initial construction costs; and

(2) Operating costs for the expected useful life of the building, including maintenance, heating, lighting ~~and~~ **and** air-conditioning ; ~~personnel and other expenses of operation;~~ and

(b) A statement of the proposed source of funding for the final total cost of the building.

Sec. 8. NRS 446.942 is hereby amended to read as follows:

446.942 Before the State Board of Health may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Board shall consult with the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 9. NRS 449.345 is hereby amended to read as follows:

449.345 Before the State Department may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Department shall consult with the ~~{deputy manager for compliance and code enforcement}~~ **Deputy Administrator of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 10. NRS 455C.115 is hereby amended to read as follows:

455C.115 Before the Division may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Division shall consult with the Deputy Administrator ~~{for compliance and code enforcement}~~ **of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 11. NRS 461.173 is hereby amended to read as follows:

461.173 Before the Division may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or

other property in this State, the Division shall consult with the Deputy Administrator ~~[for compliance and code enforcement]~~ **of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 12. NRS 472.105 is hereby amended to read as follows:

472.105 Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden shall consult with the ~~[deputy manager for compliance and code enforcement]~~ **Deputy Administrator of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 13. NRS 477.0325 is hereby amended to read as follows:

477.0325 Before the State Fire Marshal may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State that is a state-owned building or facility, the State Fire Marshal shall consult with the ~~[deputy manager for compliance and code enforcement]~~ **Deputy Administrator of the Public Works - Compliance and Code Enforcement Section** for the purposes of subsection 9 of NRS 341.100.

Sec. 14. NRS 341.129 is hereby repealed.

Sec. 15. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

341.129 Duty to submit to Legislature annual report on projects of construction of state buildings financed by bonds or other obligations.

1. The Division shall, for each fiscal year, compile a report concerning projects of construction of state buildings that are financed by general obligation bonds, revenue bonds or medium-term obligations.

2. The report required to be compiled pursuant to subsection 1 must include:

(a) The source and amount of money received from the bonds and obligations during the fiscal year;

(b) A list of the projects completed during the fiscal year, including, without limitation, any change in the estimated cost of such a project and any change in the date for completion for such a project; and

(c) A list of projects under construction, the estimated cost of each of those projects, the date for completion of each of those projects and any changes in the estimated cost or date for completion of those projects.

3. The Division shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains

to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

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. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 248.

SUMMARY—Revises ~~various~~ provisions concerning ~~criminal justice.~~
the delivery of copies of reports of presentence investigations and certain judgments of conviction. (BDR 14-338)

AN ACT relating to criminal justice; revising ~~the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring~~
provisions concerning the delivery of copies of reports of presentence investigations ~~to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties of the Director of the Department of Corrections; requiring documentation of an offender's performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies;~~
and certain judgments of conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony. (NRS 176.135) Section 2 of this bill requires the Division, as part of its presentence investigation and report, to arrange for an evaluation of the defendant for substance abuse. Section 3 of this bill similarly requires the Division, as part of its presentence investigation and report, to conduct a needs assessment designed to assist the defendant in obtaining and maintaining employment. Section 4 of this bill additionally requires the Division, as part of its presentence investigation and report, to develop a treatment and training plan based upon the evaluation for substance abuse conducted pursuant to section 2 and the needs assessment conducted pursuant to section 3.~~

~~Pursuant to section 6 of this bill, the report of any presentence investigation must be developed and maintained in the offender information system which is managed by the Department of Corrections and which is established pursuant to section 13 of this bill. Section 6 also removes certain exceptions to the requirement to complete a presentence investigation and report.~~

~~Existing law requires that the report of any presentence investigation must contain certain information. (NRS 176.145) Section 7 of this bill: (1) requires the report of any presentence investigation to include certain additional information; and (2) requires the report of any presentence investigation concerning a defendant who is convicted of a felony to include the additional items required pursuant to sections 2-4.~~

~~Existing law provides that if a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division of Parole and Probation is generally required not to make a presentence investigation and report on the defendant and instead must make a general investigation and report. (NRS 176.151) Section 19 of this bill repeals the provisions governing general investigations and reports. Sections 6, 8-12 and 18 of this bill make technical changes resulting from the repeal of such provisions.~~

~~Section 13 of this bill requires the Director of the Department of Corrections to develop an offender information system that: (1) is managed by the Department; (2) facilitates the development and maintenance of certain reports concerning offenders; and (3) is accessible to the Division of Parole and Probation and the State Board of Parole Commissioners. Section 13 also requires the Director to prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature or to the Legislative Commission an annual report containing certain statistical data relating to offenders.~~

~~Existing law authorizes the Director to establish, with the approval of the Board of State Prison Commissioners, a system for offender management. (NRS 209.352) Section 14 of this bill requires the Director to establish a system of offender management using certain evidence-based practices. Section 14 also provides that before the Department assigns an offender to a program of general education, vocational education and training or other rehabilitation, the Department must consider certain information concerning the offender.~~

~~Existing law requires the Board of State Prison Commissioners to establish programs of general education, vocational education and training and other rehabilitation. (NRS 209.389) Section 15 of this bill requires the Department to: (1) enter into the offender information system established pursuant to section 13 data regarding an offender's performance and progress in and~~

completion of such a program; and (2) include such data in a report prepared for the State Board of Parole Commissioners for its review when the offender is considered for release on parole.

~~Existing law requires the Director to provide certain information and items to an offender who is released from prison. (NRS 209.511) Section 16 of this bill requires the Director to provide an offender with certain additional information upon his or her release from prison.~~

~~Section 17 of this bill provides that the development of any information system for the Division of Parole and Probation, the Department of Corrections or the State Board of Parole Commissioners must, to the extent feasible, integrate the operations of each agency with respect to information relating to convicted persons.]~~

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) Section 1 of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. Section 1 further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) Section 2 of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

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

Delete existing sections 1 through 20 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program

of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered **not later than** when the judgment of imprisonment is delivered pursuant to NRS 176.335. **Delivery of the report may, at the court's discretion, also be accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.**

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. NRS 176.325 is hereby amended to read as follows:

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified **paper or electronic** copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified **paper or electronic** copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~and a copy of the report of the presentence investigation or general investigation, as appropriate, if required pursuant to NRS 176.159,~~ and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

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. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

AN ACT relating to crimes; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; ~~revising provisions governing the waiver of a preliminary examination;~~ amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for pandering, sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468)

Sections 1, 30-33, ~~40-44,~~ 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. **Section 30** increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and **section 46** adds involuntary servitude and trafficking in persons to the list of crimes constituting racketeering activity. **Sections 41-44 ~~change the crime of pandering to~~ create** the crime of sex trafficking, set forth the actions constituting the ~~crime~~ crimes of pandering and sex trafficking, and provide the terms of imprisonment and fines that must be imposed against a person convicted of pandering or sex trafficking. **Section 42** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for pandering or sex trafficking. **Sections 32, 33 and 40** require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution to the victim of the

crime. **Section 47** authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. **Section 48** prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, **section 1** authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons.

Sections ~~121~~ 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. **Section 25** authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communications by law enforcement agencies. **Sections 4-6** provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. ~~[Section 2 prohibits the introduction of evidence concerning the sexual conduct of a victim of sex trafficking under certain circumstances.]~~ Finally, **sections 34-39 and 49-51** provide that certain information relating to a victim of sex trafficking must be kept confidential.

~~[Existing law provides for the forfeiture of certain property and proceeds of certain crimes in a civil proceeding brought by a law enforcement agency. (NRS 179.1156-179.121) Sections 3 and 12-24 of this bill provide for the criminal forfeiture of certain property and the proceeds of sex trafficking, involuntary servitude and trafficking in persons. Sections 18 and 19 of this bill authorize a court to take certain actions to secure the property during the prosecution of the defendant.]~~

Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) Sections 10.3 and 10.7 of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances.

Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community notification. (NRS 179D.0357, 179D.115) **Section 27** of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification.

~~[Existing law authorizes the defendant to waive his or her right to a preliminary examination to determine whether probable cause exists to hold~~

~~the defendant for trial for an alleged criminal offense. If the defendant waives the preliminary examination, the defendant is bound over for trial. (NRS 171.196) Sections 7-10 of this bill provide that the requirement for a preliminary examination is waived only if both the prosecution and the defendant agree to waive the preliminary examination.~~

Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute.

Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) **Section 53** of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. **Section 53** also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court ~~must~~ may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court ~~must~~ may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) *The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;*

(b) *The plaintiff reaches 18 years of age; or*

(c) *If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred, ➔ whichever is later.*

6. *The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.*

7. *A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.*

8. *In the discretion of the court in an action brought under this section:*

(a) *Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.*

(b) *Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.*

9. *The consent of a victim is not a defense to a cause of action brought under this section.*

10. *For the purposes of this section:*

(a) *A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.*

(b) *It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.*

Sec. 2. ~~NRS 50.090 is hereby amended to read as follows:~~

~~50.090 In any prosecution for sex trafficking, sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit [either crime,] those crimes, the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which~~

~~ease the scope of the accused's cross examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.]~~
(Deleted by amendment.)

Sec. 3. ~~[NRS 115.010 is hereby amended to read as follows:~~

~~115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law;~~

~~2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed \$550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located;~~

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~—(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or~~

~~—(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070, by both husband and wife, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~—(a) Any mortgage or deed of trust thereon; and~~

~~—(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070, unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive, 179.1211 to~~

~~179.1225, inclusive, or 207.350 to 207.520, inclusive [.] , or sections 12 to 21, inclusive, of this act.~~

~~6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007. (Deleted by amendment.)~~

Sec. 4. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault , ~~for~~ a person authorized to act on behalf of a victim of a sexual assault , **or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking**, files with a law enforcement officer a written report concerning the sexual assault ~~or~~ **or sex trafficking**, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault **or sex trafficking** must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault **or sex trafficking** is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault **or sex trafficking** is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault **or sex trafficking** is under a disability if the victim is insane, ~~mentally retarded,~~ **intellectually disabled**, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

- (a) A prosecuting attorney;
- (b) A sheriff of a county or the sheriff's deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city; or
- (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, **sex trafficking**, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 6. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~as defined in NRS 432B.100~~ **or sex trafficking of a child as defined in NRS 201.300**, before the victim ~~[of the sexual abuse]~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse **or sex trafficking** by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse **or sex trafficking** by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

~~**Sec. 7.** NRS 171.196 is hereby amended to read as follows:~~

~~171.196 1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant [waives] and the prosecuting attorney stipulate to waive preliminary examination, the~~

~~magistrate shall immediately hold the defendant to answer in the district court.~~

~~2. If the defendant [does] and the prosecuting attorney do not stipulate to waive examination, the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.~~

~~3. Except as otherwise provided in this subsection, if the magistrate postpones the examination at the request of a party, the magistrate may order that party to pay all or part of the costs and fees expended to have a witness attend the examination. The magistrate shall not require a party who requested the postponement of the examination to pay for the costs and fees of a witness if:~~

~~(a) It was not reasonably necessary for the witness to attend the examination; or~~

~~(b) The magistrate ordered the extension pursuant to subsection 4.~~

~~4. If application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:~~

~~(a) The application has been granted or denied; and~~

~~(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.~~

~~5. The defendant may cross examine witnesses against him or her and may introduce evidence in his or her own behalf. (Deleted by amendment.)~~

Sec. 8. [NRS 171.208 is hereby amended to read as follows:

~~171.208 If a preliminary examination has not been had and the defendant [has] and the prosecuting attorney have not stipulated to unconditionally [waived] waive the examination, the district court may for good cause shown at any time before a plea has been entered or an indictment found remand the defendant for preliminary examination to the appropriate justice of the peace or other magistrate, and the justice or other magistrate shall then proceed with the preliminary examination as provided in this chapter. (Deleted by amendment.)~~

Sec. 9. [NRS 173.035 is hereby amended to read as follows:

~~173.035 1. An information may be filed against any person for any offense when : [the person:]~~

~~(a) [Has] The person has had a preliminary examination as provided by law before a justice of the peace, or other examining officer or magistrate, and has been bound over to appear at the court having jurisdiction; or~~

~~(b) [Has] The defendant and the prosecuting attorney waived the right to a preliminary examination.~~

~~2. If, however, upon the preliminary examination the accused has been discharged, or the affidavit or complaint upon which the examination has~~

~~been held has not been delivered to the clerk of the proper court, the Attorney General when acting pursuant to a specific statute or the district attorney may, upon affidavit of any person who has knowledge of the commission of an offense, and who is a competent witness to testify in the case, setting forth the offense and the name of the person or persons charged with the commission thereof, upon being furnished with the names of the witnesses for the prosecution, by leave of the court first had, file an information, and process must forthwith be issued thereon. The affidavit need not be filed in cases where the defendant [has waived] **and the Attorney General or district attorney have stipulated to waive** a preliminary examination, or upon a preliminary examination has been bound over to appear at the court having jurisdiction.~~

~~2. The information must be filed within 15 days after the holding or waiver of the preliminary examination. Each information must set forth the crime committed according to the facts.~~

~~4. If [, with the consent of] the prosecuting attorney [, a] **and the** defendant [waives the right] **stipulate to waive** a preliminary examination in accordance with an agreement by the defendant to plead guilty, guilty but mentally ill or nolo contendere to a lesser charge or to at least one, but not all, of the initial charges, the information filed against the defendant pursuant to this section may contain only the offense or offenses to which the defendant has agreed to enter a plea of guilty, guilty but mentally ill or nolo contendere. If, for any reason, the agreement is rejected by the district court or withdrawn by the defendant, the prosecuting attorney may file an amended information charging all of the offenses which were in the criminal complaint upon which the preliminary examination was waived. The defendant must then be arraigned in accordance with the amended information.] **(Deleted by amendment.)**~~

Sec. 10. [NRS 173.045 is hereby amended to read as follows:]

~~173.045 1. All informations must be filed in the court having jurisdiction of the offenses specified therein, by the Attorney General when acting pursuant to a specific statute or by the district attorney of the proper county as informant, and his or her name must be subscribed thereto by him or her or by his or her deputy.~~

~~2. The district attorney or the Attorney General shall endorse thereon the names of such witnesses as are known at the time of filing the information. The district attorney or Attorney General shall not endorse the name of any witness whom he or she does not reasonably expect to call.~~

~~3. In all cases in which the defendant has not had, or [waived] **the defendant and the district attorney or Attorney General have not stipulated to waive**, a preliminary examination, there must be filed with the information the affidavit of some credible person verifying the information upon the~~

~~personal knowledge of affiant that the offense was committed.~~ **(Deleted by amendment.)**

Sec. 10.3. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

- (a) A victim of sexual abuse as that term is defined in NRS 432B.100; ~~for~~
- (b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age ~~14~~; or

(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

↪ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

- (a) For good cause shown may release the address of the person to be examined; and
- (b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 10.7. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. *In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300:*

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 11. ~~[Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 21, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 12. ~~[As used in sections 12 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13, 14 and 15 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 13. ~~["Human trafficking" means:~~

~~1. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464.~~

~~2. A violation of any provision of NRS 200.465.~~

~~3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.~~

~~4. Sex trafficking in violation of any provision of NRS 201.300.~~

~~5. A violation of NRS 201.320.] (Deleted by amendment.)~~

Sec. 14. ~~["Proceeds" means any property, or that part of an item of property, derived directly or indirectly from human trafficking.] (Deleted by amendment.)~~

Sec. 15. ~~["Property" includes, without limitation, any:~~

- ~~1. Real property or interest in real property;~~
- ~~2. Fixture or improvement to real property;~~
- ~~3. Personal property, whether tangible or intangible, or interest in personal property;~~
- ~~4. Conveyance, including, without limitation, any aircraft, vehicle or vessel;~~
- ~~5. Money, security or negotiable instrument;~~
- ~~6. Proceeds.] (Deleted by amendment.)~~

Sec. 16. ~~[1. Except as otherwise provided in section 17 of this act, if an indictment or information filed in a criminal proceeding alleges that property was derived from, realized through, or used or intended for use in the course of human trafficking and the extent of that property:~~

- ~~(a) The jury; or~~
- ~~(b) If the trial is without a jury, the court;~~
- ~~→ shall, upon a conviction, determine at a separate hearing the extent of the property to be forfeited. If the indictment or information does not include such an allegation, the property is not subject to criminal forfeiture pursuant to this section.~~

~~2. If, at a hearing to determine the extent of the property to be forfeited pursuant to subsection 1, the jury or, if the hearing is without a jury, the court determines by a preponderance of the evidence that the property:~~

- ~~(a) Was used or intended to be used in, or was used or intended to be used to facilitate, human trafficking; or~~
- ~~(b) Was acquired during human trafficking or within a reasonable time after the human trafficking and there was no likely source of such property other than human trafficking;~~
- ~~→ the court shall order the forfeiture of the property.~~

~~3. The following property is subject to criminal forfeiture pursuant to subsection 1:~~

- ~~(a) Any proceeds attributable to human trafficking;~~
- ~~(b) Any property acquired directly or indirectly from human trafficking;~~
- ~~and~~
- ~~(c) Any property used or intended to be used in, or used or intended to be used to facilitate, human trafficking.~~

~~4. If property which is ordered to be criminally forfeited pursuant to subsection 1:~~

- ~~(a) Cannot be located;~~
- ~~(b) Has been sold to a purchaser in good faith for value;~~
- ~~(c) Has been placed beyond the jurisdiction of the court;~~
- ~~(d) Has been substantially diminished in value by the conduct of the defendant;~~

~~—(e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or~~

~~—(f) Is otherwise unreachable without undue injury to innocent persons; or~~
~~→ the court shall order the forfeiture of other property of the defendant up to the value of the property that is unreachable.} (Deleted by amendment.)~~

Sec. 17. ~~{1. A defendant who agrees to enter a plea of guilty to human trafficking may agree to the forfeiture of any property as part of the agreement.~~

~~—2. If the court accepts the plea of guilty, the court shall order the forfeiture of the property that the defendant agreed to forfeit pursuant to subsection 1.} (Deleted by amendment.)~~

Sec. 18. ~~{1. The prosecuting attorney may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to criminal forfeiture pursuant to section 16 of this act if:~~

~~—(a) An indictment or information alleging human trafficking has been filed in a criminal proceeding and the extent of criminally forfeitable property is included therein or the court believes there is probable cause for such an inclusion;~~

~~—(b) The property is in the possession or control of the party against whom the order will be entered; and~~

~~—(c) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.~~

~~—2. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.} (Deleted by amendment.)~~

Sec. 19. ~~{1. After an information or indictment alleging human trafficking is filed in a criminal proceeding, the prosecuting attorney may request the court to:~~

~~—(a) Enter a restraining order or injunction;~~

~~—(b) Require the execution of a satisfactory bond;~~

~~—(c) Appoint a receiver; or~~

~~—(d) Take any other necessary action;~~

~~→ to secure property which is subject to criminal forfeiture.~~

~~—2. The court shall, after a hearing for which notice was given to any person whose rights in the property proposed for forfeiture would be affected, order such an action if the prosecuting attorney shows by a preponderance of the evidence that the action is necessary to preserve the defendant's property which is subject to criminal forfeiture.~~

~~3. If no indictment or information alleging human trafficking has been filed, the court may, after such a hearing and upon a showing of the prosecuting attorney that~~

~~(a) There is probable cause to believe that the property for which the order is sought would be subject to criminal forfeiture; and~~

~~(b) The requested order would not result in substantial and irreparable harm or injury to the party against whom the order is to be entered that outweighs the need to secure the property for the potential criminal forfeiture;~~

~~↪ order an action to secure the property. Such an order may not be effective for more than 90 days unless it is extended for good cause or an indictment or information alleging human trafficking is filed and the extent of the criminally forfeitable property is listed therein.] (Deleted by amendment.)~~

Sec. 20. ~~[1. Upon a verdict of guilty or a plea of guilty to human trafficking, the court shall order the forfeiture of the appropriate property.~~

~~2. Upon entry of such an order, the court may:~~

~~(a) Enter a restraining order or injunction;~~

~~(b) Require the execution of a satisfactory bond;~~

~~(c) Appoint a receiver; or~~

~~(d) Take any other necessary action.~~

~~↪ to protect the interests of the State.] (Deleted by amendment.)~~

Sec. 21. ~~[1. The State, county or city shall sell any property forfeited pursuant to sections 12 to 21, inclusive, of this act as soon as commercially feasible. Except as otherwise provided in subsection 2, the proceeds from such a sale must be used:~~

~~(a) First to pay any restitution ordered by the court pursuant to section 32, 33 or 40 of this act; and~~

~~(b) Then for payment of all proper expenses of any proceedings for the forfeiture and sale, including any expenses for the seizure and maintenance of the property, advertising and court costs.~~

~~↪ The balance of the proceeds, if any, must be deposited with the county treasurer and distributed to organizations which provide treatment and services to victims of human trafficking which are designated to receive such distributions by the district attorney of the county.~~

~~2. If the property forfeited is encumbered by a bona fide security interest and the secured party shows that the secured party did not consent or have knowledge of the violation causing the forfeiture, the State, county or city shall distribute to the secured party from the proceeds of the sale of the forfeited property the amount of the secured party's interest in the property.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 179.1156 is hereby amended to read as follows:~~

~~179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, and sections 12 to 21, inclusive, of this act, the provisions of NRS 179.1156 to 179.121, inclusive, govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.} (Deleted by amendment.)~~

Sec. 23. ~~[NRS 179.118 is hereby amended to read as follows:~~

~~179.118 1. The proceeds from any sale or retention of property declared to be forfeited and any interest accrued pursuant to subsection 2 of NRS 179.1175 must be applied, first, to the satisfaction of any protected interest established by a claimant in the proceeding, then to the proper expenses of the proceeding for forfeiture and resulting sale, including the expense of effecting the seizure, the expense of maintaining custody, the expense of advertising and the costs of the suit.~~

~~2. Any balance remaining after the distribution required by subsection 1 must be deposited as follows:~~

~~(a) Except as otherwise provided in this subsection, if the plaintiff seized the property, in the special account established pursuant to NRS 179.1187 by the governing body that controls the plaintiff.~~

~~(b) Except as otherwise provided in this subsection, if the plaintiff is a metropolitan police department, in the special account established by the Metropolitan Police Committee on Fiscal Affairs pursuant to NRS 179.1187.~~

~~(c) Except as otherwise provided in this subsection, if more than one agency was substantially involved in the seizure, in an equitable manner to be directed by the court hearing the proceeding for forfeiture.~~

~~(d) If the property was seized pursuant to NRS 200.760, in the State Treasury for credit to the Fund for the Compensation of Victims of Crime to be used for the counseling and the medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230.~~

~~(e) If the property was seized as the result of a violation of NRS 202.300, in the general fund of the county in which the complaint for forfeiture was filed, to be used to support programs of counseling of persons ordered by the court to attend counseling pursuant to NRS 62E.290.~~

~~(f) If the property was forfeited pursuant to [NRS 201.351,] sections 12 to 21, inclusive of this act, with the county treasurer to be distributed in accordance with the provisions of subsection [4] 1 of [NRS 201.351.] section 21 of this act.} (Deleted by amendment.)~~

Sec. 24. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~to 201.340, inclusive,~~ **201.320**, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 25. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child , ***sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468*** or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, “sexual offense against a child” includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; or
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 26. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~pandering~~ ***sex trafficking pursuant to subsection 2 of NRS 201.300*** or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive.] 201.320.~~

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

- (a) A tribal court.
- (b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

- (a) A tribal court.
- (b) A court of the United States or the Armed Forces of the United States.
- (c) A court having jurisdiction over juveniles.

Sec. 27. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. “Sexual offense” means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(p) ***Sex trafficking pursuant to NRS 201.300.***

(q) A violation of NRS 201.320.

(r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)], [(q)], [(r)],~~ inclusive.

~~[(r)]~~ (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 28. NRS 179D.115 is hereby amended to read as follows:

179D.115 “Tier II offender” means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving ~~pandering~~ **sex trafficking pursuant to NRS 201.300** or prostitution pursuant to NRS ~~201.300 to 201.340, inclusive;~~ **201.320;**

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States;

or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 29. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~(p)~~ **(r)** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 30. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, **involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300** or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, **involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300** or a violation of NRS 205.463, by imprisonment in the state prison for a

minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➡ and may be further punished by a fine of not more than \$5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

➡ each person is guilty of a gross misdemeanor.

Sec. 31. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. 1. *In addition to any other penalty, the court ~~shall~~ may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.*

2. *Restitution ordered pursuant to this section may include, without limitation:*

(a) *The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;*

(b) *The cost of transportation, temporary housing and child care;*

(c) ~~The greater of:~~

~~**(1) *The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);***~~

~~—(2) The gross income or value to the defendant of the victim's labor or services; or~~

~~—(3) Any other appropriate means to determine restitution to the victim;~~

~~—(d) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;~~

~~—(e) Compensation for emotional distress, pain and suffering;~~

~~—(f) (d) Expenses incurred by a victim ~~or members of the victim's household or members of the victim's family~~ in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim ~~or members of the victim's household or members of the victim's family~~, or by a mental health professional to be necessary for the emotional well being of the victim, and such expenses may include, without limitation:~~

~~—(1) Deposits for utilities and telephone service;~~

~~—(2) Deposits for rental housing or temporary lodging;~~

~~—(3) Food expenses; and~~

~~—(4) Clothing and personal items;~~

~~—(g) :~~

~~—(e) The cost of repatriation of the victim to his or her home country, if applicable; and~~

~~—(h) (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.~~

3. ~~{The court shall order the person convicted of the violation of any provision of NRS 200.463, 200.464 or 200.465 to pay promptly upon sentencing any restitution ordered pursuant to this section.~~

~~—4. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.~~

~~—5. 4. As used in this section, "victim" means any person:~~

~~(a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or~~

~~(b) Who is the surviving spouse, a parent or a child of such a person.~~

Sec. 33. 1. In addition to any other penalty, the court ~~shall~~ may order a person convicted of violation of any provision of NRS 200.467 or 200.468 to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) ~~The greater of:~~

~~—(1) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);~~

~~—(2) The gross income or value to the defendant of the victim's labor or services; or~~

~~—(3) Any other appropriate means to determine restitution to the victim;~~

~~—(d) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;~~

~~{(e) Compensation for emotional distress, pain and suffering;~~

~~—(f) (d) Expenses incurred by a victim ~~f, members of the victim's household or members of the victim's family~~ in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim ~~f, members of the victim's household or members of the victim's family, or by a mental health professional to be necessary for the emotional well-being of the victim, and such expenses may include, without limitation:~~~~

~~—(1) Deposits for utilities and telephone services;~~

~~—(2) Deposits for rental housing or temporary lodging;~~

~~—(3) Food expenses; and~~

~~—(4) Clothing and personal items;~~

~~—(g) i~~

~~(e) The cost of repatriation of the victim to his or her home country, if applicable; and~~

~~{(h) (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468.~~

~~3. {The court shall order the person convicted of the violation of any provision of NRS 200.467 or 200.468 to pay promptly upon sentencing any restitution ordered pursuant to this section.~~

~~—4. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.~~

~~{5. 4. As used in this section, "victim" means any person:~~

~~(a) Against whom a violation of any provision of NRS 200.467 or 200.468 has been committed; or~~

~~(b) Who is the surviving ~~spouse, a parent or a~~ child of such a person.~~

~~Sec. 34. NRS 200.364 is hereby amended to read as follows:~~

~~200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:~~

~~1. "Offense involving a pupil" means any of the following offenses:~~

~~(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. “Perpetrator” means a person who commits a sexual offense , ~~{or}~~ an offense involving a pupil ~~{or}~~ **or sex trafficking**.

3. **“Sex trafficking” means a violation of subsection 2 of NRS 201.300.**

4. “Sexual offense” means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~{4.}~~ 5. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

~~{5.}~~ 6. “Statutory sexual seduction” means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

~~{6.}~~ 7. “Victim” means a person who is a victim of a sexual offense , ~~{or}~~ an offense involving a pupil ~~{or}~~ **or sex trafficking**.

Sec. 35. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense , ~~{or}~~ an offense involving a pupil ~~{or}~~ **or sex trafficking**:

(a) Reports the sexual offense , ~~{or}~~ offense involving a pupil **or sex trafficking** to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense , ~~{or}~~ offense involving a pupil ~~{or}~~ **or sex trafficking**; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense , ~~{or}~~ offense involving a pupil ~~{or}~~ **or sex trafficking**.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses , ~~{or}~~ offenses involving a pupil ~~{or}~~ **or sex trafficking**. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses , ~~{or}~~ offenses involving a pupil ~~{or}~~ **or sex trafficking**.

3. A victim of a sexual offense , ~~{or}~~ an offense involving a pupil **or sex trafficking** may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense , ~~{or}~~ an offense involving a pupil **or sex trafficking** is, in many ways, a unique, distinctive

and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, ~~for~~ offenses involving a pupil ~~or~~ **or sex trafficking**.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, ~~for~~ an offense involving a pupil ~~or~~ **or sex trafficking**.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, ~~and~~ offenses involving a pupil **or sex trafficking** from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 36. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

- (a) Court records, including testimony from witnesses;
- (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
- (c) Records of criminal history, as that term is defined in NRS 179A.070; and
- (d) Records in the Central Repository for Nevada Records of Criminal History,

↪ that reveals the identity of a victim of a sexual offense, ~~for~~ an offense involving a pupil **or sex trafficking** is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, ~~for~~ an offense involving a pupil **or sex trafficking** and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

- (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;
- (b) The disclosure will not place the victim at risk of personal harm; and
- (c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense , ~~for~~ an offense involving a pupil ~~for~~ **or sex trafficking**.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 37. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense , ~~for~~ an offense involving a pupil **or sex trafficking** may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense , ~~for~~ offense involving a pupil ~~for~~ **or sex trafficking**, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense , ~~for~~ offense involving a pupil ~~for~~ **or sex trafficking**. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➡ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense , ~~for~~ offense involving a pupil ~~for~~ **or sex trafficking**.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense , ~~for~~ offense involving a pupil **or sex trafficking**, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 38. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense , ~~for~~ an offense involving a pupil **or sex trafficking** shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 39. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense , ~~for~~ offense involving a pupil **or sex trafficking** voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 40. Chapter 201 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 40.3 and 40.7 of this act.**

Sec. 40.3. 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320.

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 40.7. 1. In addition to any other penalty, the court ~~shall~~ may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) ~~The greater of:~~

~~(1) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);~~

~~(2) The gross income or value to the defendant of the victim's labor or services or acts of prostitution engaged in by the victim; or~~

~~(3) Any other appropriate means to determine restitution to the victim;~~

~~(d)~~ The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

~~(e) Compensation for emotional distress, pain and suffering;~~

~~(f)~~ (d) Expenses incurred by a victim ~~or members of the victim's household or members of the victim's family~~ in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim ~~or members of the victim's household or members of the victim's family, or by a mental health professional to be necessary for the emotional well-being of the victim, and such expenses may include without limitation:~~

~~(1) Deposits for utilities and telephone service;~~

~~(2) Deposits for rental housing or temporary lodging;~~

~~(3) Food expenses; and~~

~~(4) Clothing and personal items;~~

~~(g)~~ i

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

~~(h)~~ (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.

3. ~~The court shall order the person convicted of the violation of NRS 201.300 or 201.320 to pay promptly upon sentencing any restitution ordered pursuant to this section.~~

~~4.~~ The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

~~5.~~ 4. As used in this section, "victim" means any person:

(a) *Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or*

(b) *Who is the surviving ~~spouse, a parent or a~~ child of such a person.*

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ~~and section 40.3 and 40.7 of this act~~, unless the context otherwise requires:

1. “Adult” means a person 18 years of age or older.

2. “Child” means a person less than 18 years of age.

3. *“Induce” means to persuade, encourage, inveigle or entice.*

4. “Prostitute” means a male or female person who for a fee, *monetary consideration or other thing of value* engages in sexual ~~intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~

~~4.1~~ *conduct.*

5. “Prostitution” means engaging in ~~in~~ *agreeing to or offering to engage in* sexual conduct *with another person in return* for a fee ~~in~~.

~~5.1~~, *monetary consideration or other thing of value.*

6. “Sexual conduct” means ~~any of the acts enumerated in subsection 3.1~~ *masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.*

7. “Transports” means *to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.*

Sec. 42. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~1.1~~ *induces,* ~~1.2~~ *persuades, encourages, inveigles, entices or compels* ~~1.3~~ *causes, recruits, harbors, transports, provides, obtains or maintains a* ~~1.4~~ *person to*, *without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue* ~~1.5~~ *to engage in prostitution 1.6, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution 1.7*

~~2.1~~ *By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where 2.2* ~~2.3~~ *Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any*

~~place within this State in which prostitution is practiced, encouraged or allowed; [;] [for the purpose of sexual conduct or prostitution];~~

~~—(c) By threats, violence, [;] [or] [force, intimidation, fraud, duress, coercion, by any device or scheme,] [by fraud or artifice, or by duress of person or goods,] [or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors,] [inveigles, entices, persuades, encourages] [induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this state in which prostitution is practiced, encouraged or allowed] [;] [for the purpose of sexual conduct or prostitution]; or~~

~~—(d) [By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;~~

~~—(e) [Takes or detains a person with the intent to compel the person by force, violence, threats] [; menace] [or duress to marry him or her or any other person,] [;] or~~

~~—(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,]~~

~~[;] is guilty of] [pandering.] [sex trafficking.~~

~~— 2. A person who is found guilty of] [pandering:] [sex trafficking.~~

~~—(a) An adult:~~

~~—(1) If physical force or violence or the immediate threat of physical force or violence is used upon the adult, is guilty of a category] [C] [B felony and shall be punished] [as provided in NRS 193.130.] [by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.~~

~~—(2) If no physical force or immediate threat of physical force is used upon the adult,] is guilty of pandering which is a category [B] C felony and shall be punished as provided in NRS 193.130.~~

~~[;(b) A child:~~

~~—(1) If] [physical force or the immediate threat of physical force is used upon] [the child] [;] [is less than 14 years of age when the offense is committed, is guilty of a category] [B] [A felony and shall be punished by imprisonment in the state prison for] [a minimum term of not less than 2 years and a maximum term of not more than 20 years] [life with the possibility of parole, with eligibility for parole beginning when a minimum~~

~~of 15 years has been served, and may be further punished by a fine of not more than \$20,000.~~

~~— (2) If [no physical force or immediate threat of physical force is used upon] [the child] [,] [is at least 14 years of age but less than 18 years of age when the offense is committed, is guilty of a category] [B] [A felony and shall be punished by imprisonment in the state prison for] [a minimum term of not less than 1 year and a maximum term of not more than 10 years] [life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~— 3. This [section] subsection does not apply to the customer of a prostitute.~~

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(1) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with

eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to ~~this section~~ subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child ~~for~~ pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to ~~this section~~ subsection 2.

Sec. 43. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~to 201.340, inclusive,~~ **or 201.320** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 43.5. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed,~~ **or 201.320** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~101~~ 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims of child prostitution which are designated to receive such distributions by the district attorney of the county.

Sec. 44. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~any provision~~ subsection 2 of NRS 201.300 ~~to 201.340, inclusive, and~~ or NRS 201.320, the victim of the violation is a child ~~who is:~~

~~—(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$100,000.~~

~~—(b) Less than 14 years of age~~ when the offense is committed ~~and~~ and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of ~~any provision~~ subsection 2 of NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 ~~to 201.340, inclusive,~~ or NRS 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 45. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
15. Open or gross lewdness pursuant to NRS 201.210.
16. Lewdness with a child pursuant to NRS 201.230.
17. An offense involving **pandering or sex trafficking in violation of NRS 201.300** or prostitution in violation of NRS ~~[201.300,]~~ 201.320 . ~~for 201.340.]~~
18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 46. NRS 207.360 is hereby amended to read as follows:

207.360 “Crime related to racketeering” means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;

3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at \$650 or more;
25. Embezzlement of money or property valued at \$650 or more;
26. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 , **201.320** or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930;
32. Any violation of NRS 202.445 or 202.446; ~~for~~
33. Any violation of NRS 205.377 ~~for~~ ;
- 34. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or**

35. *Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.*

Sec. 47. NRS 217.070 is hereby amended to read as follows:

217.070 “Victim” means:

1. A person who is physically injured or killed as the direct result of a criminal act;
2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;
3. A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;
4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;
5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;
6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~for~~
7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~for~~; **or**

8. *A person who is trafficked in violation of subsection 2 of NRS 201.300.*

↪ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 48. 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, ~~for~~ sexual assault ~~for~~ **or sex trafficking**, 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) ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 49. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

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

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

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

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

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

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. *"Victim of human trafficking" means a person who is a victim of:*

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320.

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

~~{8-}~~ 9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 50. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, **human trafficking**, sexual assault or stalking before the filing of the application;

- (b) The address that is requested to be kept confidential;
- (c) A telephone number at which the Secretary of State may contact the applicant;
- (d) A question asking whether the person wishes to:
 - (1) Register to vote; or
 - (2) Change the address of his or her current registration;
- (e) A designation of the Secretary of State as agent for the adult, child or incompetent person for the purposes of:
 - (1) Service of process; and
 - (2) Receipt of mail;
- (f) The signature of the applicant;
- (g) The date on which the applicant signed the application; and
- (h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence, **human trafficking**, sexual assault or stalking before the filing of the application.

5. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 51. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, **human trafficking**, sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address;

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 52. NRS 432.153 is hereby amended to read as follows:

432.153 It is the intent of the Legislature that law enforcement agencies in this State give a high priority to the investigation of crimes concerning missing **and exploited** children.

Sec. 53. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

- (a) Must be an attorney licensed to practice law in this state;
- (b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and
- (c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

- (a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;
- (b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; ~~and~~
- (c) Recommend legislation concerning missing or exploited children ~~};~~ ;
and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300, ~~or~~

~~— (1) At the request of the district attorney of the county in which the violation occurred;~~

~~— (2) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or~~

~~— (3) Jointly with the district attorney of the county in which the violation occurred,} or a violation of NRS 201.320.~~

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. *The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for*

Missing or Exploited Children, which is hereby created in the State General Fund.

7. *Interest and income earned on money in the Special Account must be credited to the Special Account.*

8. *Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive.*

9. *Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.*

Sec. 54. ~~[Section 129 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 129. [Pandering.] Sex trafficking, prostitution and disorderly houses prohibited.~~

~~1. [Pandering.] Sex trafficking, prostitution and disorderly houses, as defined and made unlawful by the general laws of the State, shall be unlawful within the City.~~

~~2. The Council shall enact such ordinances as may be necessary to implement this section.] (Deleted by amendment.)~~

Sec. 55. NRS 201.310, 201.330 ~~11~~ and 201.340 ~~and 201.351~~ are hereby repealed.

Sec. 56. This act becomes effective on July 1, 2013.

~~HEADLINES~~ **TEXT OF REPEALED SECTIONS**

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other

person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

~~[201.351 Forfeiture of assets derived from or relating to pandering child; temporary restraining order to preserve property subject to forfeiture; use of proceeds derived from forfeiture.]~~

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. 90.

Bill read second time.

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

Amendment No. 429.

AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may represent an injured worker before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim only if the person is: (1) employed full-time by the injured worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3) a full-time employee of such an attorney who is supervised by that attorney; or (4) appearing on behalf of the injured worker without compensation. (NRS 616C.325) This bill allows any employee of the injured worker's labor organization **who is not an independent contractor** to appear on the injured worker's behalf in such situations. However, in all situations where representation of an injured worker is before an appeals officer, the representative must be admitted to practice law in this State.

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

Section 1. NRS 616C.325 is hereby amended to read as follows:

616C.325 1. It is unlawful for any person to represent an employee before a hearing officer, or in any negotiations, settlements, hearings or other

meetings with an insurer concerning the employee's claim or possible claim, unless the person is:

(a) Employed ~~full-time~~ by the employee's labor organization ~~and is~~ **not an independent contractor**;

(b) Admitted to practice law in this State;

(c) Employed full-time by and under the supervision of an attorney admitted to practice law in this State; or

(d) Appearing without compensation on behalf of the employee.

➡ It is unlawful for any person who is not admitted to practice law in this State to represent the employee before an appeals officer.

2. It is unlawful for any person to represent an employer at hearings of contested cases unless that person is:

(a) Employed full-time by the employer or a trade association to which the employer belongs that is not formed solely to provide representation at hearings of contested cases;

(b) An employer's representative licensed pursuant to subsection 3 who is not licensed as a third-party administrator;

(c) Admitted to practice law in this State; or

(d) A licensed third-party administrator.

3. The Director of the Department of Administration shall adopt regulations which include the:

(a) Requirements for licensure of employers' representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616D.120 or a violation of this section.

4. Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter or chapter 616A, 616B, 616D or 617 of NRS, the employer is liable for any penalty assessed because of that violation.

5. An employer shall not make the compensation of any person representing the employer contingent in any manner upon the outcome of any contested claim.

6. The Director of the Department of Administration shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as an employer's representative:

(a) Application and license..... \$78

(b) Triennial renewal of each license 78

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 1:44 p.m.

ASSEMBLY IN SESSION

At 1:53 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 63.

AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) ~~[(A)]~~

Existing law also provides that a county ~~whose population is 100,000 or more (currently Clark and Washoe Counties)]~~ may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation commission ~~[(in Clark and Washoe Counties)]~~ to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. **Section 4.8 of this bill allows the board of county**

commissioners, in a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to adopt a Complete Streets program. Section 9 of this bill allows the board of county highway commissioners, in ~~all other counties,~~ a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration notice of a voluntary \$2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered unless the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt out of making the contribution. Section 1 of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties.

Sections **4.8, 5 and 9** require that a **board of county commissioners,** regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county ~~whose population is 100,000 or more, to the~~ in which a regional transportation commission ~~created pursuant to NRS 277A.170,~~ exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 ~~for~~ and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its

agents during the preceding month, and that the money has been distributed as provided in this section.

3. As used in this section, “regional transportation commission” means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner’s residential address.

(c) The owner’s declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and

Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➔ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) A statement which informs the applicant that he or she may make a monetary contribution of \$2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➡ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that he or she may make a monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state

in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➔ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

11. *For each vehicle for which the registered owner has not indicated his or her intention to opt out of making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or paragraph (d) of subsection 3 of NRS 482.280, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.*

Sec. 4.2. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

Sec. 4.4. As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.

Sec. 4.6. 1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county commissioners shall administer the Complete Streets fund.

Sec. 4.8. 1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may adopt a policy for a Complete Streets program and may plan and ~~to the extent that money is received pursuant to section 4 of this act,~~ carry out projects as a part of a Complete Streets program.

2. Any money received by a commission pursuant to ~~paragraph (a) of subsection 1 of section 1 of this act~~ must be used solely for the execution of projects as a part of a Complete Streets program.

3. A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission :

1. *Except as otherwise provided in subsection 2*, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. *Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:*

(a) *Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and*

(b) *Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.*

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.

Sec. 8. 1. ~~The board of county commissioners of each county~~ shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:

(a) *Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and*

(b) *Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.*

2. *The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.*

3. ~~{A county shall not let a contract which is for a project that is a part of a Complete Streets program if the estimated cost of the contract exceeds the amount of money in the county's Complete Streets fund.~~

~~4. The board of county highway commissioners created pursuant to NRS 403.010 shall administer the Complete Streets fund.~~

Sec. 9. 1. A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and ~~to the extent that money is received pursuant to section 1 of this act,~~ carry out projects as a part of a Complete Streets program.

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. *As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.*

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but , ***except as otherwise provided in section 9 of this act***, no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing , ~~for~~ graveling ~~+~~ ***or retrofitting pursuant to section 9 of this act***, and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then , ***except as otherwise provided in section 9 of this act***, the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

Sec. 12. NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways. The share of any county in the cost of such cooperative road project shall be paid :

1. For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or

2. For any other project, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.

Sec. 13. NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, ***except as otherwise provided in section 9 of this act***, the cost of all county road and bridge work performed must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

Sec. 14. NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, ***the Complete Streets fund created pursuant to section 8 of this act***, or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. *The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.*

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~{The}~~ ***Except as otherwise provided in section 8 of this act, the*** county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 1. Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~{1. Cause}~~

(a) *Except as otherwise provided in subsection 2, cause* all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~{2.}~~ **(b)** Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.

2. *A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.*

Sec. 17. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and 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.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

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

Amendment No. 296.

SUMMARY—Requires the notification ~~to certain~~ of patients regarding breast density and supplementary mammographic screening tests. (BDR 40-172)

AN ACT relating to mammography; requiring a notice regarding ~~supplementary mammographic screening tests~~ breast density to be included in a report provided to a patient ~~; if the patient is categorized as having dense breasts;~~ authorizing an administrative fine for failure to provide such notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a facility that performs a mammogram must provide directly to each patient a summary report describing the results of the mammogram written in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing state law imposes certain requirements on the operation of a machine used to perform mammography and further provides for the imposition of an administrative fine for operation in violation of those requirements. (NRS 457.182-457.187) ~~This bill expresses the sense of the Legislature as to the importance of the awareness of a person's breast density.~~ This bill ~~also~~ requires the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform a mammogram to ensure that the summary report required by federal law includes a statement of the density of the patient's breasts and a notice ~~stating that~~ encouraging the patient ~~may benefit from~~ supplementary screening tests if the patient is categorized as having heterogeneously dense breasts or extremely dense breasts. to discuss the notice with his or her physician or other provider of health care. In addition, this bill authorizes the Health Division of the Department of Health

and Human Services to impose an administrative fine for failure to provide such notice. (NRS 457.187)

WHEREAS, Forty percent of women have dense breast tissue; and

WHEREAS, Breast density is one of the strongest predictors of the failure of mammography to detect cancer; and

WHEREAS, Breast density is a greater risk factor for breast cancer than having two first-degree relatives with breast cancer; and

WHEREAS, The vast majority of women are unaware of the density of their breasts; and

WHEREAS, Less than 1 in 10 women with dense breast tissue learn about their dense breast tissue from their doctors; and

WHEREAS, Several states, including Connecticut, Texas, Virginia, New York and California, have enacted legislation relating to notification of breast density; now, therefore,

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~If a patient undergoes mammography, and, on the basis of that mammography, the patient is categorized as having heterogeneously dense breasts or extremely dense breasts based on the Breast Imaging Reporting and Database System established by the American College of Radiology, or its successor organization,~~ the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or subsequent guidelines established by the American College of Radiology, or its successor organization, and the following notice:

~~{Because your mammogram demonstrates that you have dense breast tissue, which could hide small abnormalities, you might benefit from supplementary screening tests, depending on your individual risk factors. A report of your mammography results, which contains information about your breast density, has been sent to your physician's office. You should contact your physician if you have any questions or concerns about this notice.} The information about the results of your mammography report in relation to the density of your breast tissue is provided to you to raise your awareness. Dense breast tissue is common and not abnormal. As breast density increases, the ability of a mammogram to identify cancer or suspicious abnormalities~~

decreases, which may increase the risk of breast cancer not being detected until a later stage. Density may change over time and generally diminishes with age, but varies by person. Many factors affect a person's risk of developing breast cancer, including family history, personal medical history, smoking and, according to some studies, increased breast density. Use this letter when you speak with your physician or other provider of health care about your own individual risk factors for breast cancer. At that time, ask your physician or other provider of health care if further testing might be useful.

2. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

Sec. 3. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed \$5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, **and section 1 of this act**, or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

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. 236.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 319.

AN ACT relating to motorcycles; allowing lane splitting in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person other than a police officer in the performance of his or her duty may not drive a motorcycle or moped between moving or stationary vehicles occupying adjacent traffic lanes, a maneuver commonly known as lane splitting. (NRS 486.351) **Section 3** of this bill allows lane splitting by a person driving a motorcycle ~~for moped~~ provided that **, while driving between the other vehicles: (1) the person drives in a cautious and prudent manner that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions; (2) the motorcycle does not travel at a speed which is more than 10 miles per hour faster than the speed of those other vehicles; and that (3) the motorcycle for moped does not exceed a maximum speed of 30 miles per hour. [while driving between the other vehicles.]**

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

Section 1. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. ~~The~~ ***Except as otherwise provided in NRS 486.351, the*** driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. ~~The~~ ***Except as otherwise provided in NRS 486.351, the*** driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 3. NRS 486.351 is hereby amended to read as follows:

486.351 1. ~~{A}~~ ***Except as otherwise provided in this section, a*** person ~~{, except a police officer in the performance of his or her duty,}~~ shall not drive a motorcycle or moped ~~{between}~~:

(a) Between moving or stationary vehicles occupying adjacent traffic lanes.

~~{2. Except as provided in subsection 3, a person shall not drive a motorcycle, moped or trimobile abreast}~~

(b) Abreast of or overtake or pass another vehicle within the same traffic lane.

2. ***The provisions of subsection 1 do not apply to a police officer in the performance of his or her duty.***

3. ***A person may drive a motorcycle ~~{or moped}~~ between moving or stationary vehicles occupying adjacent traffic lanes and traveling in the same direction as the motorcycle ~~{or moped}~~ provided that ~~{the}~~:***

(a) The person drives in a ~~{cautious and prudent}~~ manner ~~{and the}~~ that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions; and

(b) The motorcycle ~~{, or moped}~~ does not exceed a speed of 30 miles per hour ~~{while driving between such vehicles,}~~:

(1) Does not travel at a speed which is more than 10 miles per hour faster than the speed of those other vehicles; and

(2) Does not exceed a maximum speed of 30 miles per hour.

4. Motorcycles and mopeds may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 242 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 328.

AN ACT relating to license plates; requiring all special license plates designed, prepared and issued after ~~July~~ **October** 1, 2013, to have a uniform design and background color; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to design, prepare and issue special license plates that have been approved by the Commission on Special License Plates or the Legislature. (NRS 482.367002, 482.367008) This bill requires that all special license plates designed, prepared and issued by the Department on or after ~~July~~ **October** 1, 2013, have a uniform design and background color.

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

Section 1. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates with colors that are predominately blue and silver. The Director may substitute white in place of silver when no suitable material is available.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

- (a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;
- (b) The name of this State, which may be abbreviated;
- (c) If issued for a calendar year, the year; and
- (d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.

7. Each special license plate that is designed, prepared and issued ~~pursuant to NRS 482.367002~~ **by the Department** must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of ~~that section; and~~ **NRS 482.367002;**

(b) The remainder of the plate conforms to the requirements for coloring, lettering and design that are set forth in this section ~~1~~; **and**

(c) **All special license plates designed, prepared and issued by the Department on or after ~~July~~ October 1, 2013, have a uniform design and background color.**

8. *As used in this section, "special license plate" has the meaning ascribed to it in subsection 1 of NRS 482.367008.*

Sec. 2. 1. The amendatory provisions of this act do not apply to a special license plate designed, prepared or issued by the Department of Motor Vehicles before ~~July~~ **October 1, 2013**.

2. As used in this section, “special license plate” has the meaning ascribed to it in subsection 1 of NRS 482.367008.

Sec. 3. ~~{This act becomes effective on July 1, 2013.}~~ (Deleted by amendment.)

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 373.

SUMMARY—Prohibits the sale or transfer of ownership of a live animal at a swap meet ~~{under certain circumstances. (BDR 50-747)~~

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet ~~{under certain circumstances; providing ~~{an exception;}~~ exceptions;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth various requirements for operators, retailers and dealers of dogs and cats concerning the care of those dogs and cats, including, without limitation, requirements for buildings, enclosures, outdoor facilities, floor space, food and water, sanitation and examinations by veterinarians. (NRS 574.360-574.510) This bill prohibits a person ~~{, other than a nonprofit organization that was formed for animal welfare purposes,}~~ from selling, attempting to sell, offering for adoption or transferring ownership of a live animal at a swap meet ~~{. A person who violates that prohibition is guilty of a misdemeanor. This bill also requires a nonprofit organization which sells a live animal or offers a live animal for adoption to provide proof that the animal has been sterilized and that the animal’s immunizations are current.}~~ **unless: (1) the swap meet is conducted in a county or incorporated city in this State which has adopted an ordinance authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and (3) the ordinance adopted by the county or incorporated city is substantially similar to those provisions of existing law, but is applicable to all animals for sale and all persons who sell, attempt to sell, or offer for adoption or transfer ownership of an animal at a swap meet. This bill does not apply to the transfer or sale of livestock or to the adoption of a**

cat or dog at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. Except as otherwise provided in subsection 2, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.~~

2. ~~{The provisions of this section do not apply to a bona fide nonprofit organization formed for animal welfare purposes that sells or offers for adoption a cat, dog or rabbit at a swap meet. For each animal sold or offered for adoption, the nonprofit organization shall, upon request by the operator of the swap meet, a law enforcement officer or an officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040, provide the appropriate documentation, including, without limitation, a record of current immunizations and proof that the animal has been sterilized.}~~ A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(c) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

~~((b))~~ (c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 326.

AN ACT relating to highways; revising provisions relating to the experience and financial ability of a prospective bidder on a highway project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who proposes to bid on a contract for a transportation project to provide the Director of the Department of Transportation with information on the person's financial ability and experience in performing similar public works. The Director may refuse to furnish a person with the necessary forms and information to submit a bid on the contract if the Director finds the person insufficiently qualified. (NRS 408.333) ~~If the Director considers a person's past performance on contracts or volume of business in determining whether the person is qualified to bid on a transportation project,~~

Section 1 of this bill requires the Director to consider the person's [past performance and volume of business on all contracts for public works and any other] comparable experience rather than considering only such information relating to transportation projects. Section 1.5 of this bill requires persons wishing to bid on certain smaller transportation projects to submit certain information to the Director before the Director furnishes the person with the necessary forms and information to submit a bid on the project.

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

Section 1. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.367 or 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 ~~or of a similar nature.~~ ~~If the Director requests or considers information concerning the person's past performance on contracts or volume of business, the Director may not limit his or her request or consideration to such information concerning contracts for transportation projects but must request and consider such information concerning all contracts for public works and any other comparable experience.~~

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, 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, 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. 1.5. NRS 408.367 is hereby amended to read as follows:

408.367 1. With the approval of the Board, the Director may receive informal bids and award contracts for highway construction, reconstruction, improvements, and maintenance on projects estimated to cost not in excess of \$250,000.

2. **Before furnishing any person proposing to bid on any solicited 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, which must include information describing:**

(a) The geographical regions of this State in which the person is willing to perform the public work;

(b) The type of license and classification, if any, held by the person; and

(c) The business license held by the person and its expiration date.

3. Before awarding a contract pursuant to subsection 1, the Director must:

(a) If the estimated cost of the project is \$50,000 or less, solicit a bid from at least one properly licensed contractor; and

(b) If the estimated cost of the project is more than \$50,000 but not more than \$250,000, solicit bids from at least three properly licensed contractors.

~~3.4~~ 4. Any bids received in response to a solicitation for bids made pursuant to subsection ~~1.4~~ 3 may be rejected if the Director determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

~~4.4~~ 5. At least once each quarter, the Director shall prepare a report detailing, for each project for which a contract for its completion is awarded pursuant to paragraph (b) of subsection ~~1.4~~ 3, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the project; and

(d) The names of all contractors from whom bids were solicited.

~~5.4~~ 6. A report prepared pursuant to subsection ~~4.4~~ 5 is a public record and must be maintained on file at the principal offices of the Department.

~~6.1~~ 7. Except as otherwise provided in NRS 408.354, contracts awarded pursuant to the provisions of this section must be accompanied by bonds and conditioned and executed in the name of the State of Nevada, and must be signed by the Director under the seal of the Department, and by the contracting party or parties. The form and legality of those contracts must be approved by the Attorney General or Chief Counsel of the Department.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time.

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

Amendment No. 278.

AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. **Section 1** of this bill: (1) establishes provisions concerning notice requirements for such an early termination; (2) establishes provisions concerning liability of unpaid amounts relating to the termination of a rental agreement; and (3) requires a landlord to install a new lock onto the dwelling of certain persons who are victims of domestic violence.

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) **Section 2** of this bill prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the*

current rental period or 30 ~~days' written~~ days after the notice is provided to the landlord ~~or~~, whichever occurs sooner.

2. The written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or

(c) A copy of a written ~~statement~~ affidavit signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence.

3. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence occurred within the 90 days immediately preceding the written notice of termination to the landlord.

4. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. ~~{The amount due from the tenant or cotenant must be paid to the landlord on or before the date the tenant or cotenant vacates the dwelling.}~~ If the tenant or cotenant has prepaid rent that would apply for the ~~{month}~~ rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that ~~{month}~~ rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.

5. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.

6. A landlord shall not provide to an adverse party any information concerning a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.

7. If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:

- (a) Rekeying the lock if the lock is in good working condition; or
- (b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

8. A landlord who installs a new lock pursuant to subsection 7 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

9. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence.

10. As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

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

(d) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

(e) "Qualified third party" means:

(1) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. ~~or~~ or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

(2) A psychologist licensed to practice in this State;

(3) A social worker ~~or~~ licensed to practice in this State;

(4) *A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;*

~~(5) *An attorney licensed to practice in this State;*~~

~~— (6) *An employee of any court of this State;*~~

~~— (7) *A marriage and family therapist licensed to practice in this State pursuant to chapter 641A of NRS;*~~

~~— (8) *A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS;*~~

~~— (9) *(6) Any person employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who maintains, is employed by or serves as a volunteer for* is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence and or refers them to persons and or agencies where their request and needs can be met; for~~

~~— (10) *(7) A person who serves as a volunteer on the board of directors, or as a volunteer executive director, of an agency or service which is staffed, directed and managed entirely by volunteers and which has no paid employees and who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met; or*~~

~~— (8) *Any member of the clergy.*~~

Sec. 2. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant; ~~for~~

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws ~~for~~; or

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence or terminates a rental agreement pursuant to section 1 of this act.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➔ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in section 1 of this act.

(b) "Domestic violence" has the meaning ascribed to it in section 1 of this act.

(c) "Household member" has the meaning ascribed to it in section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2013.

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. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 310.

AN ACT relating to victims of crime; ~~providing certain definitions relating to~~ **repealing and replacing certain provisions relating** to the ~~assistance) treatment~~ **treatment** of victims of sexual assault; ~~authorizing a guardian ad litem to apply to the Fund for Compensation of Victims of Crime on behalf of a minor; revising provisions governing the payment of compensation from the Fund; authorizing certain persons to apply for treatment for emotional trauma as a result of a sexual assault;~~ **revising various provisions relating to the medical and psychological treatment of victims of sexual assault and certain other persons;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes certain victims of crime to apply to receive compensation from the Fund for Compensation of Victims of Crime. (NRS 217.100, 217.260) Section 4 of this bill clarifies that a guardian ad litem may submit such an application on a minor's behalf.~~

~~Existing law provides that a compensation officer of the Department of Administration may award compensation from the Fund to or for the benefit of a victim of certain crimes or to certain other persons associated with such a victim. (NRS 217.160) Section 5 of this bill provides that payment from the Fund may include the reimbursement of a county for costs associated with certain examinations of victims of sexual assault.~~

~~Existing law prohibits the compensation of a victim, from the Fund, who was not a citizen of the United States or who was not lawfully entitled to reside in the United States at the time of the incident upon which the claim for compensation is based. (NRS 217.220) Section 6 of this bill removes the prohibition on the compensation of such persons.~~

Existing law requires a county to pay any costs incurred for the medical care for any physical injuries resulting from a sexual assault that occurs within the county. (NRS 217.300) Existing law also requires any costs incurred by a hospital for: (1) the examination of the victim of a sexual offense; or (2) the initial medical care of the victim, to be charged to the county in whose jurisdiction the offense was committed. (NRS 449.244) **Section 14** of this bill repeals NRS 449.244 and replaces the provisions in

sections ~~{8 and}~~ **9 and 10** of this bill. ~~{Section 8 also provides that certain examinations of a victim of sexual assault must be paid by the county.}~~

Existing law : **(1)** authorizes a victim of a sexual assault, or the spouse of the victim who suffers emotional distress, to submit an affidavit and apply to the board of county commissioners in the county where the sexual assault occurred for certain treatment at county expense ~~{.}~~ ; **and (2) authorizes a victim of a sexual assault who has suffered emotional trauma to select a relative or close friend to receive counseling with the victim under certain circumstances.** (NRS 217.310) ~~{Sections 2 and 9 12 of this bill expand the list of persons who may seek treatment for emotional distress to include a member of the victim's immediate family.} Section 10 of this bill provides that a victim of a sexual assault must file a report with the appropriate law enforcement agency or submit to a forensic medical examination before the victim, spouse, relative or close friend may receive such treatment.~~

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

Section 1. ~~{Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.}~~ **(Deleted by amendment.)**

Sec. 2. ~~{“Eligible person” means a member of the victim’s immediate family, including, without limitation, the victim’s spouse or intimate partner, parent, brother, sister, child or any other person living in the household of that person and related to that person by blood or marriage.}~~ **(Deleted by amendment.)**

Sec. 3. ~~{“Victim of sexual assault” means a victim of an attempted sexual offense or a sexual offense pursuant to NRS 200.366.}~~ **(Deleted by amendment.)**

Sec. 4. ~~{NRS 217.100 is hereby amended to read as follows:~~
~~217.100 1. Any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Board for such compensation. Where the person entitled to make application is:~~
~~(a) A minor, the application may be made on his or her behalf by a parent, [or] guardian [.] or guardian ad litem.~~
~~(b) Mentally incompetent, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.~~
~~2. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim’s injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.}~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 217.160 is hereby amended to read as follows:~~

~~217.160 1. The compensation officer may order the payment of compensation:~~

~~(a) To or for the benefit of the victim [.] , **including to any county for reimbursement of costs associated with a forensic medical examination pursuant to NRS 217.300.**~~

~~(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.~~

~~(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.~~

~~(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.~~

~~(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.~~

~~2. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) "Household" means an association of persons who live in the same home or dwelling and who:~~

~~(1) Have significant personal ties to the victim; or~~

~~(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~(c) "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.] **(Deleted by amendment.)**~~

Sec. 6. ~~[NRS 217.220 is hereby amended to read as follows:~~

~~217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:~~

~~(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440;~~

~~(b) [Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or the victim is unable to provide proof that the victim was a~~

~~citizen of the United States or was lawfully entitled to reside in the United States at that time;~~

~~— (c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;~~

~~— [(d)] (e) Was injured or killed while serving a sentence of imprisonment in a prison or jail;~~

~~— [(e)] (d) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or~~

~~— [(f)] (e) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.~~

~~2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484C.110 or is punishable pursuant to NRS 484C.430 or 484C.440.~~

~~3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.~~

~~4. The compensation officer may deny an award if the compensation officer determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:~~

~~— (a) The value of the victim's dwelling;~~

~~— (b) The value of one motor vehicle owned by the victim; or~~

~~— (c) The savings and investments of the victim up to an amount equal to the victim's annual salary.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 217.280 is hereby amended to read as follows:~~

~~217.280 As used in NRS 217.280 to 217.350, inclusive, ["victim of sexual assault" means a person who has been sexually assaulted as defined by NRS 200.366 or a person upon whom a sexual assault has been attempted.] and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 217.290 is hereby amended to read as follows:~~

~~217.290 The board of county commissioners of each county shall provide by ordinance for the counseling and medical treatment of victims of sexual assault and the counseling of eligible persons in accordance with the provisions of NRS 217.280 to 217.350, inclusive [.] , and sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 9. NRS 217.300 is hereby amended to read as follows:

217.300 1. The county in whose jurisdiction a sexual assault is committed shall ~~pay~~ :

(a) Pay any costs incurred for medical care for any physical injuries resulting from the **sexual** assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.

(b) Pay any costs incurred by a hospital ~~for health care provider~~ for the forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim of sexual assault.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.

4. The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.

5. As used in this section ~~+~~

~~(a) "Forensic", "forensic medical examination" means an examination by a health care provider to obtain evidence from a victim of sexual assault.~~

~~(b) "Health care provider" has the meaning ascribed to it in NRS 439.502.~~

Sec. 10. NRS 217.310 is hereby amended to read as follows:

217.310 1. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim ~~eligible person~~ suffers emotional trauma as a result of the sexual assault, the victim or spouse ~~eligible person~~ may, upon submitting an affidavit as required by subsection 2, apply to the board of county commissioners in the county where the sexual assault occurred for treatment at county expense.

2. The board shall approve an application for treatment upon receiving an affidavit from the applicant declaring that:

(a) The applicant is a victim of sexual assault or spouse of such a victim; ~~(an eligible person);~~

(b) The sexual assault occurred in the county; and

(c) The victim requires medical treatment for physical injuries, or the victim or spouse ~~eligible person~~ has suffered emotional trauma, as a result of the sexual assault.

3. A victim who has suffered emotional trauma may select a relative or close friend to receive counseling with the victim if the counselor agrees that such companionship will be helpful to the victim. If the victim's application

for treatment is approved, counseling for the relative or friend must also be approved.

4. ~~[The] Unless the victim has submitted to a forensic medical examination pursuant to NRS 217.300, the filing of~~ A victim must file a report with the appropriate law enforcement agency ~~list~~ or submit to a forensic medical examination pursuant to NRS 217.300 as a prerequisite for the victim or any other person eligible to qualify for treatment under the provisions of this section.

5. *Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to this section for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed \$1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.*

Sec. 11. ~~[NRS 217.320 is hereby amended to read as follows:~~

~~217.320 1. Upon approval by the board of county commissioners as provided in NRS 217.310, medical treatment for the victim's physical injuries or treatment in the form of psychological, psychiatric and marital counseling for the victim [the victim's spouse and] or any other eligible person must be made available at a county hospital or other facility with which the board may contract for the purpose of providing such treatment.~~

~~2. Any costs for treatment provided pursuant to this section, not exceeding \$1,000 [per person], shall be paid by the county which authorized the treatment.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 217.330 is hereby amended to read as follows:~~

~~217.330 1. The board of county commissioners shall require the psychologist, psychiatrist or counselor treating a victim of sexual assault or [the victim's spouse] any other eligible person for emotional trauma suffered as a result of the sexual assault to certify from time to time that the counseling relates to the sexual assault and that the victim or [spouse] eligible person still suffers from the effects of the emotional trauma which resulted from the sexual assault.~~

~~2. If the person providing the treatment fails to make the certification upon request by the board, the board may order the treatment terminated.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 217.340 is hereby amended to read as follows:~~

~~217.340 No order for treatment pursuant to NRS 217.310 and 217.320 may be made by the board of county commissioners unless:~~

~~1. The application for treatment is made within 60 days after the date of the sexual assault; [or]~~

~~2. The sexual assault was reported to the police within [3] 7 days after its occurrence, or if the offense could not reasonably have been reported within~~

that period, within ~~[3]~~ 7 days after the time when a report could reasonably have been made ~~[,]~~; or

~~3. The victim submits to a forensic medical examination pursuant to NRS 217.300. Any such examination must be conducted within 7 days after the date of the sexual assault.~~ (Deleted by amendment.)

Sec. 14. NRS 449.244 is hereby repealed.

TEXT OF REPEALED SECTION

449.244 Certain costs for examination or treatment of victims of sexual offenses to be charged to county.

1. Any costs incurred by a hospital for:

(a) The examination of the victim of a sexual offense, when the examination is performed for the purposes of gathering evidence for possible prosecution of the person who committed the offense; or

(b) Initial emergency medical care for the victim,
 ➤ must not be charged directly to the victim. The costs must be charged to the county in whose jurisdiction the offense was committed.

2. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to NRS 217.310 for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed \$1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.

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. 308.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 507.

AN ACT relating to economic development; directing the Southern Nevada Enterprise Community Board to develop additional neighborhood revitalization projects; revising the membership of the Board; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates certain areas in the urban core of the Las Vegas Valley as the Southern Nevada Enterprise Community. Existing law also establishes the Southern Nevada Enterprise Community Board and requires the Board to prepare, develop and carry out the Southern Nevada Enterprise

Community Improvement Project to improve infrastructure in the Community. (Chapter 407, Statutes of Nevada 2007, pp. 1781-86)

Section 1 of this bill directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects in the Community, which may include various projects relating to economic growth and sustainability, community revitalization and education. **Section 4** of this bill authorizes the Board to accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the additional neighborhood revitalization projects. **Section 3** of this bill revises the qualifications for certain members of the Board and increases the membership of the Board by adding one member who is a trustee of the Clark County School District. ~~Section 5 of this bill makes an appropriation of \$200,000 from the State General Fund to the Southern Nevada Enterprise Community Projects Account.~~ and one member who is a member of the Board of Regents of the University of Nevada.

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

Section 1. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:

Sec. 12.5. The Legislature hereby directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects, which may include, without limitation, projects relating to:

1. Economic growth and sustainability within the Community, including, without limitation, projects which encourage and assist:

(a) The development ~~and expansion of opportunity zones~~ of a promise neighborhood within the Community;

(b) The use of federal money and federal tax credits and participation in programs and awards available through the Federal Government;

(c) Public and private investment in the Community and collaboration among governmental entities, ~~financial institutions~~ the private sector and nonprofit organizations to support the Community and economic development in the Community; and

(d) The development and expansion of job training and job placement programs.

2. Revitalization of the Community, including, without limitation:

(a) The construction, repair and refurbishment of educational facilities within the Community and the provision of assistance with

issues relating to funding or bonding of such projects as necessary to improve access to education in the Community;

(b) The provision of assistance to persons applying for participation in revitalization programs and grant programs available through private and governmental entities;

(c) The construction and operation of community health centers and federally qualified health centers in the Community;

(d) The development of and assistance in the development of prisoner reentry programs;

(e) The development and support of programs that encourage community engagement and community leadership; and

(f) The development and support of initiatives to support the health and nutrition of the residents of the Community.

3. Education within the Community, including, without limitation, oversight and coordination of:

(a) Early childhood development programs, English language learner programs, K-12 education programs, programs designed to improve rates of high school graduation and college readiness programs;

(b) Programs designed to decrease rates of incarceration for youth in the Community;

(c) Programs designed to decrease gang violence;

(d) Programs designed to decrease teen pregnancy rates in the Community;

(e) Programs of adult care;

(f) Programs designed to address childhood obesity; and

(g) Programs designed to encourage faith-based and neighborhood partnerships which are dedicated to improving the Community.

Sec. 2. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 18.5, immediately following section 18, to read as follows:

Sec. 18.5. *The Legislature hereby finds and declares that a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in the Southern Nevada Enterprise Community Infrastructure Improvement Act because of the number of atypical factors and special conditions relating thereto, including the economic and geographic diversity of the local governments of this State, the unique growth patterns occurring in Clark County, the special conditions experienced in the City of Las Vegas related to the need to revitalize specific areas of the City of Las Vegas to ensure that the residents of more densely populated urban areas are provided with a*

safe environment in which to live and work and the necessity to ameliorate hardships imposed on specific areas of the City of Las Vegas as a consequence of projects undertaken for the general benefit of the people of this State.

Sec. 3. Section 8 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2771, is hereby amended to read as follows:

Sec. 8. 1. The Southern Nevada Enterprise Community Board is hereby created.

2. The Board consists of ~~nine~~ ~~10~~ **11** members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Assembly and one member of the Senate who represent the Community selected by the Legislative Commission;

(c) One member of the Clark County Board of County Commissioners selected from among its membership;

(d) One member of the Las Vegas City Council from among its membership;

(e) One member of the North Las Vegas City Council from among its membership;

(f) *One member of the Board of Trustees of the Clark County School District from among its membership;*

(g) One member of the Board of Regents of the University of Nevada;

(h) Two residents of the Community, ~~recommended and selected by the Stop the F Street Closure, LLC,~~ which must include a representative of a local housing agency and a parent of a pupil enrolled in a school located in the Community; and

~~(g) (4)~~ *(i) A representative of the private sector appointed by the Chamber of Commerce established in the Community.*

3. Each member of the Board serves for a term of 3 years. A vacancy on the Board must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. ~~{The City of Las Vegas shall provide administrative support for the Board.}~~ **A member of the Board who is unable to attend a meeting of the Board may select a designee to attend the meeting in place of the member. A designee selected pursuant to this subsection may not vote on any matter before the Board.**

Sec. 4. Section 13 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2772, is hereby amended to read as follows:

Sec. 13. The Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project ~~{ }~~, **or such additional projects as may be directed by the Legislature.**

Sec. 5. ~~{There is hereby appropriated from the State General Fund to the Southern Nevada Enterprise Community Projects Account created by NRS 278.750 the sum of \$200,000.}~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective ~~{on July 1, 2013.}~~ **upon passage and approval.**

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. 312.

Bill read second time.

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

Amendment No. 401.

AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Charter of Carson City provides for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter. (Carson City Charter §§ 1.080, 1.090) Currently, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City nominates at least one person for membership on the Charter Committee, and the Board appoints the members of the Committee. The Charter also provides that each member of the Committee serves a term concurrent with the term of the public officer who nominated him or her for appointment. (Carson City Charter § 1.080)

Section 1 of this bill revises the appointment process to provide that ~~{each Supervisor}~~ **the Mayor, each other member of the Board** and each member

of the Senate and Assembly delegation representing the residents of Carson City is to appoint one member of the Committee. **Section 1** also provides that each member of the Committee serves a ~~2-year term, beginning on January 1 of each even-numbered year.~~ **term concurrent to the term of the public officer by whom he or she was appointed, or at the pleasure of that public officer.**

Section 1.5 of this bill revises provisions of the current Charter governing the meetings and duties of the Committee.

The current Charter also authorizes the Board of Supervisors to remove members of the Committee for good cause and requires the Board to fill any vacancy that occurs on the Committee. (Carson City Charter § 1.100) **Section 2** of this bill authorizes the public officer, or his or her successor, who has appointed a member of the Committee to remove the member with or without cause and fill any vacancy created by the removal or resignation of a member ~~for the remainder of the unexpired term.~~

Section 3 of this bill provides that a member who is serving on the Committee as of the effective date of this bill (January 1, 2014) may continue to serve until the expiration of his or her term or until he or she is removed.

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

Section 1. Section 1.080 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.080 Charter Committee: ~~Nomination; appointment; terms;~~
Appointment; qualifications; **terms;** compensation ~~terms.~~

1. The ~~candidates for membership on~~ **members of** the Charter Committee must be ~~nominated~~ **appointed** as follows:

(a) ~~Each Supervisor~~ **The Mayor and each other member of the Board** shall ~~nominat~~ **appoint** one ~~candidate;~~ **member;** and

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall ~~nominat~~ **appoint** one ~~candidate.~~

~~2. The Board shall:~~

~~(a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and~~

~~(b) Appoint the members of the Charter Committee.~~

~~3. member.~~

2. Each member of the Charter Committee must:

(a) Be a registered voter in Carson City;

(b) **Serve a term concurrent to the term of the public officer by whom he or she was appointed, or at the pleasure of that public officer;**

(c) Reside in Carson City during his or her term of office; and

(d) ~~He~~ Serve without compensation.

~~3. Each member of the Charter Committee serves a term of 2 years beginning on January 1 of each even-numbered year. Members may be reappointed for additional terms of 2 years in the same manner as provided for the original appointments.~~

Sec. 1.5. Section 1.090 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, as amended by chapter 68, Statutes of Nevada 2003, at page 451, is hereby amended to read as follows:

Sec. 1.090 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect ~~a Chair and Vice Chair~~ from among its members **a Chair and Vice Chair**, who each serve for a term of 2 years ~~1; unless he or she resigns or is removed from the Committee pursuant to section 1.100;~~

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the Board or the Chair of the Committee;

3. ~~Meet jointly with the Board on a date to be set after the final biennial meeting of the Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the Board with regard to the recommendations of the Committee concerning necessary amendments to this Charter; and~~

~~4. Assist the Board in the timely preparation of such;~~ **Prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to this Charter;**

4. Advise the Board of any amendments recommended for presentation to the Legislature ~~on behalf of the City;~~ by the Committee; and

5. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, without limitation, hold meetings and public hearings and obtain assistance from officers of the City.

Sec. 2. Section 1.100 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.100 Charter Committee: Removal ~~1;~~ **of members**; vacancies.

1. A member of the Charter Committee may be removed by the ~~Board for:~~

~~(a) Missing three consecutive regular meetings; or~~

~~(b) Other good cause.~~ **Supervisor or Legislator, public officer, or his or her successor in office, who appointed the member.**

2. ~~[[The Board shall fill any]]~~ Any vacancy that occurs on the Charter Committee ***must be filled*** ~~[[for the remainder of the unexpired term]]~~ ~~[[in the same manner]]~~ as provided ~~[[for the initial appointment]]~~ ***by section 1.080.***

Sec. 3. 1. Any person who is serving as a member of the Charter Committee of Carson City on January 1, 2014, and is qualified to serve in that capacity pursuant to subsection 2 of section 1.080 of the Charter of Carson City, as amended by section 1 of this act, may continue to serve until:

- (a) The expiration of his or her term; or
- (b) He or she is removed pursuant to section 1.100 of the Charter, as amended by section 2 of this act.

2. Any person described in subsection 1 whose term expires on or after January 1, 2014, may be reappointed to the Charter Committee pursuant to section 1.080 of the Charter, as amended by section 1 of this act.

Sec. 4. This act becomes effective on January 1, 2014.

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. 320.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

AN ACT relating to common-interest communities; **revising provisions relating to the period of a declarant's control of a unit-owners' association and the date on which the executive board must include a certain percentage of members elected by units' owners other than the declarant;** requiring a unit-owners' association to submit and the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels to maintain certain information concerning ~~[[settlements and awards obtained by the association for a]]~~ constructional defect ~~[[claim]]~~ **claims;** revising provisions governing the duties of the Ombudsman; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the period of a declarant's control of a unit-owners' association and the date on which the executive board must include a certain percentage of members elected by units' owners other than the declarant. (NRS 116.31032) Section 1 of this bill: (1) revises the period of a declarant's control for a common-interest community with 1,000 or more units; and (2) revises the date on which the executive

board must include a certain percentage of members elected by units' owners other than the declarant.

Existing law provides that, when appropriate, the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is required to: (1) investigate disputes involving the provisions of existing law governing common-interest communities or the governing documents of a unit-owners' association; and (2) assist in resolving such disputes. (NRS 116.625) ~~{Existing law further provides that the Ombudsman has jurisdiction to investigate alleged violations of existing law governing common interest communities and must assist the parties in resolving a dispute concerning a violation of such laws. (NRS 116.750, 116.765)}~~ **Section ~~{1}~~ 1.5** of this bill removes the phrase "when appropriate" so that the Ombudsman is required to investigate and assist in resolving such disputes. ~~{Sections 2, 3 and 4 of this bill: (1) provide that an affidavit alleging a breach of the governing documents may be filed with the Real Estate Division of the Department of Business and Industry; (2) require the Division to refer such an affidavit to the Ombudsman; and (3) require the Ombudsman to give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the dispute concerning the alleged breach of the governing documents.}~~

Existing law requires an association to pay a fee and register with the Ombudsman on a form prescribed by the Ombudsman. (NRS 116.31155, 116.31158) The registration form must include certain information concerning the association which is required to be maintained by the Ombudsman. (NRS 116.31158, 116.625) **Section ~~{1}~~ 1.5** provides that the registration form must include and the Ombudsman must maintain a ~~{record}~~ **list** of each ~~{settlement and judgment obtained by the association for a}~~ constructional defect claim ~~{}~~ **brought by the association.**

Existing law provides that a person who is aggrieved by an alleged violation of any provision of the Uniform Common-Interest Ownership Act (chapter 116 of NRS), any regulation adopted pursuant thereto or any order of the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Real Estate Division of the Department of Business and Industry a written affidavit that sets forth the facts constituting the alleged violation. (NRS 116.760) Section 3 of this bill increases the time in which a person may file such an affidavit from 1 year after the person discovers or reasonably should have discovered the alleged violation to 18 months after the person discovers or reasonably should have discovered the alleged violation.

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

Section 1. NRS 116.31032 is hereby amended to read as follows:

116.31032 1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by a declarant, may appoint and remove the officers of the association and members of the executive board. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period and, in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:

(a) ~~(Sixty)~~ **For a common-interest community with:**

(1) Fewer than 1,000 units, 60 days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant ~~for, if~~ ;
or

(2) One thousand or more units, 60 days after conveyance of 90 percent of the units that may be created to units' owners other than a declarant;

(b) If the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to chapter 119A of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

~~(c)~~ **(c)** Five years after all declarants have ceased to offer units for sale in the ordinary course of business;

~~(d)~~ **(d)** Five years after any right to add new units was last exercised; or

~~(e)~~ **(e)** The day the declarant, after giving notice to units' owners, records an instrument voluntarily surrendering all rights to control activities of the association.

2. Not later than 60 days after conveyance of ~~25~~ **15** percent of the units that may be created to units' owners other than a declarant ~~1~~ **or 3 years after the first unit is conveyed to a unit's owner other than a declarant, whichever is earlier,** at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than one-third of the members of the executive board must be elected by units' owners other than the declarant.

~~[Section 1.1]~~ **Sec. 1.5** NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) ~~[When appropriate, investigate]~~ **Investigate** disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; ~~and~~

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed ~~[]~~; and

(9) A ~~record~~ list of each ~~settlement of a~~ claim ~~and each judgment in an action~~ for a construction defect brought by the association pursuant to NRS 40.600 to 40.695, inclusive, ~~which contains such information as the Ombudsman deems necessary to provide relevant information concerning the settlement or judgment to the units' owners.~~

Sec. 2. ~~NRS 116.745 is hereby amended to read as follows:~~
~~116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires ["violation"]:~~

~~1. "Breach" means a breach of the governing documents.~~
~~2. "Violation" means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.~~ (Deleted by amendment.)

Sec. 3. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation ~~for breach~~ may, not later than ~~[1 year]~~ **18 months** after the person discovers or reasonably should have discovered the alleged violation ~~for breach~~, file with the Division a written affidavit that sets forth the facts constituting the alleged violation ~~for breach~~. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation ~~for breach~~.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation ~~for breach~~ set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation ~~for breach~~, any actual damages suffered by the aggrieved person as a result of the alleged violation ~~for breach~~, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Be accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to ~~correct~~ **resolve** the alleged violation ~~for breach~~ and

(2) Reasonable efforts to resolve the alleged violation ~~for breach~~ have failed.

4. The Commission or a hearing panel may impose an administrative fine of not more than \$1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

Sec. 4. ~~NRS 116.765 is hereby amended to read as follows:~~
~~116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, the Division shall refer the affidavit to the Ombudsman.~~
~~2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation [.] or breach.~~
~~3. If the parties are unable to resolve [the] an alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~
~~[4.] Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~
~~[5.] If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.] (Deleted by amendment.)~~

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. 346.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 376.

AN ACT relating to mining; ~~revising the duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources concerning the approval of a plan for reclamation for an exploration project or mining operation; requiring the State Environmental Commission to adopt regulations necessary to assist the Division and the Commission to carry out certain provisions governing mining reclamation;]~~ requiring ~~each plan~~ certain plans for reclamation of an exploration project or mining operation to provide for ~~the reclamation~~ public

nonmotorized access to the water level of a pit lake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who applies for a permit for a mining operation from the Division of Environmental Protection of the State Department of Conservation and Natural Resources must file with the Division a plan for the reclamation of any land damaged as a result of the mining operation. (NRS 519A.210) Existing law also requires a person who applies for a permit to engage in an exploration project to agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project. (NRS 519A.190) Existing law imposes certain requirements on a plan for reclamation regarding the timing of reclamation activities, the provision of vegetative cover and the stability of the land disturbed by the mining operation or exploration project. The operator of the mining operation or exploration project may request from the Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230)

Section 3 of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake ~~to a body of water that has resulted primarily from the seepage of groundwater into a pit or other excavation resulting from the exploration project or mining operation, and that~~ **if the pit lake will have a predicted filled surface area of more than 200 acres. The plan for**

reclamation for such a pit lake must provide for ~~safe~~ **at least one point of** public **nonmotorized** access **for traffic** to ~~and beneficial and recreational use~~ **the water level** of the pit lake.

Section 3 also ~~requires that an operator seeking an exception to any of the requirements for a reclamation plan must petition the State Environmental Commission for such an exception, and, in the petition, the operator must demonstrate to the satisfaction of the Commission that the reclamation requirement from which the exception is sought is not feasible.~~ **provides**

that certain past or present owners, operators, lessees or occupants of the premises for which public access to a pit lake is provided pursuant to a plan for reclamation owe no duty to keep the premises safe or to give warning of certain hazardous conditions, and do not incur liability for certain injuries that may occur on the premises in certain circumstances.

Section 4 of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake ~~to file an amended reclamation plan with the Division~~ **provide, if feasible,** on or before ~~January~~ **July** 1, 2014, ~~that addresses the requirements of this bill~~

~~regarding the reclamation of pit lakes.] for at least one point of public nonmotorized access to the pit lake as required in section 3.~~

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

Section 1. ~~[NRS 519A.140 is hereby amended to read as follows:~~

~~519A.140 The Division shall:~~

~~1. Administer and enforce the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to NRS 519A.160.~~

~~2. Employ persons who are experienced and qualified in the area of reclamation.~~

~~3. Enter into a memorandum of understanding with the United States Bureau of Land Management and the United States Forest Service concerning the adoption by those agencies of plans of reclamation that:~~

~~(a) Apply to mining operations or exploration projects that are conducted on a site which includes public land administered by a federal agency and privately owned land; and~~

~~(b) Substantially provide for the reclamation and security required by this chapter.~~

~~4. Develop and offer to operators on a regular basis educational workshops that include and emphasize reclamation training and techniques suitable for small exploration projects and mining operations.~~

~~5. Offer advice and technical assistance to operators.~~

~~6. [Approve.] **Except as otherwise provided in NRS 519A.230, approve,** reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.~~

~~7. Provide the Division of Minerals of the Commission on Mineral Resources with a copy of any conditions imposed upon an approved plan and the security required, on the same day that information is sent to the operator.] **(Deleted by amendment.)**~~

Sec. 2. ~~[NRS 519A.160 is hereby amended to read as follows:~~

~~519A.160 The Commission shall adopt regulations:~~

~~1. Establishing reasonable fees, based on the actual cost of administration and enforcement, to be charged by the Division for an application for and the issuance of a permit, the rates of which must be set to differentiate between mining operations located on federal land and those operations on state or private land;~~

~~2. Consistent with regulations adopted by the United States Bureau of Land Management that are contained in Title 43 of the Code of Federal Regulations and that do not conflict with any provision of this chapter or any other regulation adopted by the Commission pursuant to this section;~~

~~2. Setting forth the information required in relation to the mining operation and maps of the area for inclusion in the checklist developed pursuant to NRS 519A.220;~~

~~4. Providing for the holding of reclamation performance bonds or other surety by the State and conditions governing the release and forfeiture of those bonds or other surety;~~

~~5. Providing for a schedule within which reclamation must be completed;~~

~~6. Establishing a schedule of civil penalties for the violation of NRS 519A.010 to 519A.280, inclusive;~~

~~7. Providing for informational filings related to reclamation by small mining operations; and~~

~~8. Necessary to enable the Division and the Commission to carry out the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to this section.] (Deleted by amendment.)~~

Sec. 3. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

~~[(d) For the reclamation of a pit lake that provides:~~

~~(1) Safe public access; and~~

~~(2) Beneficial and recreational use of the pit lake.]~~

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. ~~to a requirement of this section by filing a petition with the Commission. In the petition, the operator must demonstrate to the satisfaction of the Commission that the requirement of this section from which an exception is sought is not feasible.~~ If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. For a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager,

and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

~~{4.}~~ 7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

~~{5.}~~ 8. As used in this section ~~f, "pit":~~

(a) "Pit lake" means a body of water that has resulted ~~primarily from the seepage of groundwater into a pit or other excavation resulting from the operation of~~, after the completion of an exploration project or mining operation ~~f, from an open pit that has penetrated the water table of the area in which the pit is located.~~

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 4. 1. On or before ~~January~~ July 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, that includes a pit lake having a filled surface area of more than 200 acres must ~~be amended and refiled as necessary by~~ provide, in consultation with the operator of the exploration project or mining operation ~~to ensure compliance with the amendatory provisions of this act regarding the reclamation of a pit lake if:~~

~~—(a) The reclamation activities set forth in the plan are not complete on or before October 1, 2013; and~~

~~—(b) The exploration project or mining operation resulted in or included such a pit lake.]~~ and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. If it is determined that such access is warranted, the plan for reclamation may be amended and refiled.

2. As used in this section, “pit lake” has the meaning ascribed to it in subsection ~~5~~ 8 of NRS 519A.230, as amended by section 3 of this act.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 433.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 1** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the

United States to apply for and receive a license by endorsement to practice their respective profession in this State.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member or veteran of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and

(c) The regulatory body determines that the provisions of law in the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section must submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice his or her respective profession; ~~and~~

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information

required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than 45 days after receiving the application.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

Sec. 2. This act becomes effective on July 1, 2013.

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. 353.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 268.

SUMMARY—~~[Revises provisions relating]~~ **Authorizes the Board of Regents of the University of Nevada to establish a financial aid program** for students enrolled in the Nevada System of Higher Education. (BDR 34-918)

AN ACT relating to education; ~~[requiring]~~ **authorizing** the Board of Regents of the University of Nevada to establish a program for the award of need-based ~~[scholarships]~~ **financial aid** to certain students enrolled in the Nevada System of Higher Education; creating ~~[an account]~~ **the Fund for Financial Aid** ~~[administered by the Board of Regents]~~ for the purpose of ~~[providing money for the award of such scholarships;]~~ **distributing financial aid pursuant to the program;** requiring the State Treasurer ~~[annually]~~ **quarterly** to transfer certain money from the Abandoned Property Trust Account to the ~~[scholarship account;]~~ **Fund for Financial Aid;** requiring an **eligible** institution at which a **grant or** scholarship recipient is enrolled to award a **separate grant or** scholarship to the student in an amount **at least** equal to 25 percent of the amount of the **grant or** scholarship awarded ~~[by]~~ **pursuant to** the ~~[Board of Regents; requiring the Board of Regents to establish]~~ **financial aid program; establishing** certain criteria and procedures relating to the ~~[scholarship]~~ **financial aid** program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill ~~requires~~ **authorizes** the Board of Regents of the University of Nevada to establish a program for the award of need-based ~~scholarships~~ **financial aid** to students enrolled at a university, state college or community college of the Nevada System of Higher Education. **Section 5** creates ~~an account~~ **the Fund for Financial Aid, which is** administered by the Board of Regents, for the purpose of ~~providing money for~~ **distributing** such ~~scholarships~~ **financial aid**. **Section 8** of this bill requires the State Treasurer ~~annually~~ **quarterly** to transfer certain money from the Abandoned Property Trust Account to the ~~account~~ **Fund** created by **section 5**. Additionally, the Board of Regents is authorized to accept gifts, grants, bequests and donations for deposit in the ~~account~~ **Fund**.

Section 6 of this bill provides that **if the Board of Regents establishes such a financial aid program, the program must include criteria for determining the eligibility of students for financial aid, including requirements that a student be enrolled in a certain number of, at least 12 semester credit hours at a university, state college or community college of the Nevada System of Higher Education whose family lacks, and that the student lack sufficient financial resources to pay for the costs of sending the student to a attending the university, state college or community college of the System may apply for a scholarship under the program.** **Section 7** of this bill sets forth limitations on the use of the ~~scholarship money and the process for disbursement of the scholarship money to an eligible institution.~~ **financial aid by a student. Section 7** also provides that an eligible institution **at which a grant or scholarship recipient is enrolled** is required to award to ~~the~~ **the** student ~~who receives~~ a **separate grant or** scholarship ~~under the program a scholarship~~ that is **at least** equal to 25 percent of the amount of the scholarship awarded ~~by the Board of Regents~~ pursuant to the **financial aid** program.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Eligible institution" means a university, state college or community college of the System.*

Sec. 4. *"Program" means ~~the~~ a need-based ~~scholarship~~ financial aid program established by the Board of Regents pursuant to section 5 of this act.*

Sec. 5. 1. The Fund for Financial Aid is hereby created in the State Treasury. Money in the Fund must be used only to provide financial aid pursuant to the program.

2. The Board of Regents ~~{shall establish}~~ may administer and distribute the money in the Fund if the Board of Regents establishes a program for the award of need-based ~~{scholarships}~~ financial aid pursuant to sections 2 to 7, inclusive, of this act to students ~~{at}~~ attending eligible institutions.

~~{ 2. There is hereby created in the State General Fund an account for the purpose of providing money for scholarships awarded pursuant to the program. The Board of Regents shall administer the account. }~~

3. In addition to the money paid into the ~~{account}~~ Fund for Financial Aid pursuant to NRS 120A.620, the Board of Regents may accept gifts, grants, bequests and donations for deposit in the ~~{account}~~ Fund.

~~{ 4. All interest and income earned on the money in the account must, after deducting any applicable charges, be credited to the account. All claims against the account must be paid as other claims against the State are paid. }~~

~~{ 5. The money in the account remains in the account and does not revert to the State General Fund at the end of any fiscal year. }~~

~~{ 6. Money in the account may be used only for the purposes set forth in sections 2 to 7, inclusive, of this act. }~~

Sec. 6. ~~{ A student may apply to the Board of Regents for a scholarship from the program if the student:~~

~~{ 1. Is enrolled in at least:~~

~~{ (a) Six semester credit hours in a community college within the System;~~

~~{ (b) Twelve semester credit hours in another eligible institution; or~~

~~{ (c) A total of 12 or more semester credit hours in eligible institutions, if the student is enrolled in more than one eligible institution; and~~

~~{ 2. Comes from a family that lacks. }~~ If the Board of Regents establishes a program, the program must include:

1. Criteria for determining the eligibility of a student for financial aid, including, without limitation, a requirement that the student:

(a) Is enrolled in at least 12 semester credit hours at one or more eligible institutions; and

(b) Lacks sufficient financial resources to pay for the costs of ~~{sending the student to}~~ attending an eligible institution. ~~{within the System.}~~

2. Procedures and guidelines for the administration of financial aid for students who are enrolled in more than one eligible institution.

3. Criteria for determining whether a student who receives financial aid is making satisfactory academic progress toward a recognized degree or certificate.

4. Procedures for disbursing money from the Fund for Financial Aid created by section 5 of this act to the eligible institutions.

Sec. 7. 1. Except as otherwise provided in this section, within the limits of money available in the ~~account~~ Fund for Financial Aid created by section 5 of this act, a student who is eligible for ~~a scholarship pursuant to section 6 of this act~~ financial aid pursuant to the program may be awarded a grant or scholarship in an amount authorized in accordance with the procedures and guidelines established by the Board of Regents.

2. A student who receives ~~a scholarship~~ financial aid pursuant to the program must, to continue to receive such financial aid, make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents. ~~[pursuant to subsection 6.]~~

3. ~~[A scholarship]~~ Financial aid awarded to a student pursuant to the program must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For any other costs related to the attendance of the student at the eligible institution.

4. ~~[The Board of Regents shall disburse a scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility set forth in section 6 of this act, and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 6. The scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 3. If a student is enrolled in more than one eligible institution, the scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.]~~

~~5. An eligible institution shall, for each student for whom a scholarship is disbursed to the eligible institution pursuant to subsection 4, award to the student a scholarship in an amount equal to 25 percent of the amount of the scholarship awarded to the student pursuant to subsection 4.] [A scholarship awarded pursuant to this subsection is subject to all the requirements of this section.]~~

~~6. The Board of Regents shall establish:~~

~~(a) Criteria for determining whether a student meets the requirements of subsection 2 of section 6 of this act.~~

~~(b) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate.~~

~~(c) Procedures to ensure that all money from a scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the account created by section 5 of this act and not to the student.~~

~~(d) Procedures and guidelines for the administration of a scholarship for students who are enrolled in more than one eligible institution.~~ If the Board of Regents establishes a program, the program must include a requirement that each eligible institution award a separate grant or scholarship, from money of the eligible institution available for this purpose, for each semester to each student receiving a grant or scholarship pursuant to the program for that semester. The amount of the separate grant or scholarship must be at least equal to 25 percent of the amount of the grant or scholarship awarded pursuant to the program for the same period. All requirements for acceptance and use of grants and scholarships from the program apply equally to the acceptance and use of a separate grant or scholarship awarded pursuant to the requirements adopted in accordance with this section.

5. If the Board of Regents establishes a program, the Board of Regents must, on or before February 1 of each odd-numbered year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature which includes, without limitation, for each year of the biennium:

(a) The amount of money deposited in the Fund for Financial Aid created by section 5 of this act;

(b) The amount of money expended for the award of financial aid pursuant to the program; and

(c) By eligible institution:

(1) The number of students who received an award of financial aid pursuant to the program; and

(2) The average amount of each such award.

Sec. 8. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the

company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

- (a) Any costs in connection with the sale of abandoned property.
- (b) Any costs of mailing and publication in connection with any abandoned property.
- (c) Reasonable service charges.
- (d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.
- (e) Any valid claims filed pursuant to this chapter.

5. **The portion of money in the Account generated from annual audits conducted by national audit firms on behalf of the State of Nevada must, after subtracting the total amount of the costs incurred by the State Treasurer to identify and recover the abandoned property, be transferred quarterly to the Fund for Financial Aid created by section 5 of this act.**

6. Except as otherwise provided in **subsection 5 and** NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) ~~The Twenty five percent of the remainder must be transferred to the account created by section 5 of this act.~~

~~(c) Seventy five percent of the remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund for the account created by section 5 of this act.~~

~~6.~~ 7. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 512.

AN ACT relating to education; abolishing the Statewide Council for the Coordination of the Regional Training Programs and the governing body of each regional training program; transferring the powers and duties of the Council and governing bodies concerning the regional training programs to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates three regional training programs for the professional development of teachers and administrators and designates each of the 17 county school districts within the jurisdiction of one of the regional training programs. (NRS 391.500-391.556) Existing law also creates: (1) a Statewide Council for the Coordination of the Regional Training Programs; and (2) a governing body of each regional training program. This bill abolishes the Statewide Council and each governing body and transfers their powers and duties concerning the regional training programs to the Department of Education.

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

Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards; **and**

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

~~{(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and}~~

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

- (1) Improving proficiency results in core academic subjects;
- (2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;
- (3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;
- (4) Improving the performance of pupils on standardized college entrance examinations;
- (5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and
- (6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

- (a) Governor;
- (b) Committee;
- (c) Bureau;
- (d) Board of Regents of the University of Nevada;
- (e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;
- (f) Board of trustees of each school district; and
- (g) Governing body of each charter school.

Sec. 2. NRS 385.3784 is hereby amended to read as follows:

385.3784 1. The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing instruction at secondary schools and who has been successful in school improvement efforts;

(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;

(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and

(d) One parent or legal guardian of a pupil enrolled in a public school in this State. The parent must not be employed by the board of trustees of a school district or the governing body of a charter school.

➡ One or more of the members appointed pursuant to this subsection may be retired from employment, but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.

2. The Governor may solicit recommendations for appointments pursuant to this section from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils ~~[, the Statewide Council for the Coordination of the Regional Training Programs]~~ and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chair from among the members appointed by the Governor.

3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which the member is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his or her successor is appointed. Upon the expiration of a term of a member, the member may be reappointed if he or she still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chair.

5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Except as limited by paragraph (a) of subsection 3 of NRS 385.379, the per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

6. The Department shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

→ as is necessary for the Commission to carry out its duties.

7. The Legislative Counsel Bureau:

(a) Must be provided with adequate notice of each meeting of the Commission; and

(b) Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.

Sec. 3. NRS 385.635 is hereby amended to read as follows:

385.635 1. The Office of Parental Involvement and Family Engagement created by NRS 385.630 shall:

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) ~~Work~~ **Under the direction and supervision of the Department, work** in cooperation with the ~~[Statewide Council for the Coordination of the Regional Training Programs]~~ **[Department] regional training programs for the professional development of teachers and administrators** to establish a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391.520.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph (k) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each

summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385.357.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 4. NRS 389.0187 is hereby amended to read as follows:

389.0187 1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.

2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:

(a) The board of trustees of each school district; and

(b) ~~[(The governing body of each)]~~ **Each** regional training program for the professional development of teachers and administrators.

3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.

4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.

5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.

6. ~~[(The governing body of each)]~~ **A** regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.

Sec. 5. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, unless the context otherwise requires, ~~[(the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.)]~~ ***“regional training program” means a regional training program for the professional development of teachers and administrators created by NRS 391.512.***

Sec. 6. NRS 391.510 is hereby amended to read as follows:

391.510 The Superintendent of Public Instruction ~~[(is)]~~ **and the Department are** responsible for ensuring that the duties and responsibilities of the ~~[(Statewide Council and the)]~~ regional training programs set forth in NRS 391.500 to 391.556, inclusive, are carried out by the ~~[(Statewide Council and the)]~~ regional training programs successfully.

Sec. 7. NRS 391.512 is hereby amended to read as follows:

391.512 1. There are hereby created the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program ~~[(The governing body of each)]~~ **within the Department. Under the direction and supervision of the Department, each** regional training program shall establish and operate a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Clark County;
- (b) Esmeralda County;
- (c) Lincoln County;
- (d) Mineral County; and
- (e) Nye County.

3. Except as otherwise provided in subsection 5, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Elko County;
- (b) Eureka County;
- (c) Lander County;
- (d) Humboldt County;
- (e) Pershing County; and
- (f) White Pine County.

4. Except as otherwise provided in subsection 5, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Carson City;
- (b) Churchill County;
- (c) Douglas County;
- (d) Lyon County;
- (e) Storey County; and
- (f) Washoe County.

5. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

6. The board of trustees of the:

(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.

(b) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.

(c) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.

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7. As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program . ~~established and operated by the applicable governing body.~~ **A fiscal agent shall not use the money received for such maintenance and support for the purchase of programs of professional development from or the provision of professional development by an entity other than the regional training program.**

8. A person who is employed by or who enters into a contract to provide services for a regional training program shall not be deemed to be an employee of the Department.

Sec. 8. NRS 391.520 is hereby amended to read as follows:

391.520 1. The ~~Statewide Council shall meet not less than four times per year.~~

~~2. The Statewide Council~~ **Department** shall:

(a) Adopt uniform standards for use by ~~the governing body of~~ each regional training program in the review and approval ~~by the governing body~~ of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) ~~In cooperation with~~ **Direct and supervise** the **regional training programs and the** Office of Parental Involvement and Family Engagement created by NRS 385.630 ~~to establish~~ **in establishing** a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures for use by ~~the governing body of~~ each regional training program to report the evaluation conducted pursuant to NRS 391.552.

~~13.1~~ 2. The ~~Statewide Council~~ **Department** may:

(a) Accept gifts and grants from any source for use by the ~~Statewide Council~~ **Department** in carrying out its duties pursuant to ~~this section~~ **NRS 391.500 to 391.556, inclusive**, and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the ~~Statewide Council~~ **Department** in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the ~~Statewide Council~~ **Department for the regional training programs** to match the money received from a federal grant.

Sec. 9. NRS 391.540 is hereby amended to read as follows:

391.540 1. ~~The governing body of~~ ~~In cooperation with the Department, each~~ **Each** regional training program shall ~~1.~~

~~(a) Adopt~~ **submit** a training model ~~1, taking~~ **to the Department for review and approval by the Department. In developing the training model, the regional training program shall:**

(a) Take into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the ~~appropriate governing body~~ **Department** for the types of training that should be offered by the regional training program.

~~((c) In making)~~

2. The training model submitted to the Department pursuant to subsection 1 must be designed to address the assessment **of training needs** required by paragraph (b) ~~and as deemed necessary by the~~ ~~governing body,~~ ~~regional training program,~~ review the:

~~(1)~~ **of subsection 1 and the goals and objectives of the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691 and, for the individual schools within the primary jurisdiction of the regional training program, the goals and objectives of the:**

(a) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;

~~1.2.1~~ ~~(b)~~ Turnaround plans for schools implemented pursuant to NRS 385.37603; and

~~1.2.2~~ ~~(c)~~ Plans for restructuring schools implemented pursuant to NRS 385.37607,

~~for individual schools within the primary jurisdiction of the regional training program.~~

~~(d)~~ **3. Each regional training program shall:**

(a) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

~~(e)~~ **in accordance with the training model approved by the Department pursuant to subsection 1.**

(b) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

~~1.2.3~~ **4.** The ~~Department, the~~ Nevada System of Higher Education and the board of trustees of a school district may ***submit a request to the Department for the governing body of the*** regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the ~~governing body of the~~ ***Department for*** the regional training program to perform those duties or obligations. The ~~governing body of a regional training program~~ ***Department*** may, but is not required to, grant a request pursuant to this subsection.

Sec. 10. NRS 391.542 is hereby amended to read as follows:

391.542 1. The ~~governing body of each regional training program~~ ***Department*** shall establish an evaluation system for the teachers and other licensed educational personnel who participate in the program. The evaluation system must include:

(a) Specific measures of the success of each teacher and other licensed person who participates in the training provided by the program; and

(b) Recommendations for follow-up for the teacher or other licensed person to strengthen his or her skills in the classroom or otherwise in his or her position of employment with the school district or charter school.

2. Each evaluation must be provided in written form to the person who is evaluated and the principal of the school at which the person is employed, if applicable, or, if the person is not supervised by a school principal, his or her direct supervisor.

Sec. 11. NRS 391.544 is hereby amended to read as follows:

391.544 1. ~~Based upon the assessment of needs for training within the region and priorities of training adopted by the [governing body] [regional training program in cooperation with]~~ **In accordance with the training model approved by the Department** pursuant to NRS 391.540, each regional training program must provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the common core state standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a

content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(d) In accordance with the program established ~~by the Statewide Council~~ pursuant to paragraph (b) of subsection ~~2~~ **1** of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the ~~governing body~~ **regional training program** for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. ~~The governing body of each~~ **Each** regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ ~~The governing body~~ **Each regional training program** shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. ~~At~~ **Upon approval of the Department, a** regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the

school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the ~~governing body~~ **regional training program** for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 12. NRS 391.545 is hereby amended to read as follows:

391.545 1. ~~The governing body of a~~ A regional training program may facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.

2. Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment.

Sec. 13. NRS 391.552 is hereby amended to read as follows:

391.552 ~~The governing body of~~ **For** each regional training program , **the Department** shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the ~~Statewide Council~~ **Department** pursuant to NRS 391.520.

2. On or before September 1 of each year, submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the ~~governing body~~ **regional training program** pursuant to NRS 391.540.

(b) The type of training offered through the program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the program in the immediately preceding year.

(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.

(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(f) A description of the gifts and grants, if any, received by the ~~governing body~~ **Department** in the immediately preceding year **for carrying out its duties pursuant to NRS 391.500 to 391.556, inclusive**, and the gifts and grants, if any, received by the ~~Statewide Council~~ **Department** during the

immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan ~~{made by the governing body}~~ in the immediately preceding year.

Sec. 14. NRS 391.504, 391.508, 391.516, 391.524, 391.528, 391.532 and 391.536 are hereby repealed.

Sec. 15. The terms of all members of the Statewide Council for the Coordination of the Regional Training Programs who are incumbent on June 30, 2013, expire on that date.

Sec. 16. The terms of all members of each governing body of each regional training program for the professional development of teachers and administrators who are incumbent on June 30, 2013, expire on that date.

Sec. 17. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions was transferred.

Sec. 17.5. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 18. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

391.504 “Regional training program” defined.

391.508 “Statewide Council” defined.

391.516 Statewide Council for the Coordination of the Regional Training Programs: Creation; membership; terms; compensation; administrative support authorized.

391.524 Governing body of regional training program: Membership; terms; vacancy.

391.528 Governing body of regional training program: Meetings; no salary or compensation.

391.532 Governing body of regional training program: Employment and salary of coordinator; duties of coordinator.

391.536 Governing body of regional training program: Annual review of budget; submission of proposed budget to Legislative Committee on Education; acceptance of gifts and grants authorized.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

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

Amendment No. 474.

AN ACT relating to renewable energy; authorizing the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant to certain businesses partial abatements of certain property taxes and local sales and use taxes imposed on certain renewable energy systems; revising provisions governing net metering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 9 of this bill authorizes a person who intends to locate a new business in this State to apply to the Director of the Office of Energy for a partial abatement of certain property taxes and local sales and use taxes imposed on certain renewable energy systems which are installed on the property of the business and which are for the purpose of supplying all or a part of the electricity requirements of the new business. **Section 9** requires the Director to hold a public hearing concerning each application. **Section 10** of this bill requires the Director to consult with the Office of Economic Development and to make certain determinations before approving any

application. **Section 11** of this bill sets forth the duration and maximum amount of the partial abatements.

Existing law provides generally that a renewable energy system does not qualify as a net metering system if the system exceeds a generating capacity of 1 megawatt. (NRS 704.771) **Section 15** of this bill authorizes the Director, in consultation with the Office of Economic Development, to make a determination that a renewable energy system for which a partial abatement has been approved pursuant to **sections 2-16** of this bill is deemed to be a net metering system regardless of the generating capacity of the system. **Section 17** of this bill revises certain other provisions governing net metering to provide that excess electricity which is generated by a net metering system and fed back to the utility must be credited to the customer-generator based on the value of the electricity under the otherwise applicable rate or time-of-use rate charged by the utility rather than the number of kilowatt-hours of excess electricity generated by the customer-generator.

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

Section 1. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

- 1. Agricultural crops and agricultural wastes and residues;*
- 2. Wood and wood wastes and residues;*
- 3. Animal wastes;*
- 4. Municipal wastes; and*
- 5. Aquatic plants.*

Sec. 4. *“Director” means the Director of the Office of Energy appointed pursuant to NRS 701.150.*

Sec. 5. *“Fuel cell” means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.*

Sec. 6. *“Local sales and use taxes” means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.*

Sec. 7. 1. *“Renewable energy” means:*

- (a) Biomass;*

- (b) Fuel cells;*
- (c) Solar energy;*
- (d) Waterpower; or*
- (e) Wind.*

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy.

Sec. 8. 1. "Renewable energy system" means a system for the generation of electricity that:

- (a) Uses renewable energy as its primary source of energy; and*
- (b) Has a generating capacity of at least 1 megawatt.*

2. The term includes all the machinery and equipment that is used by the system to collect and store the renewable energy and to convert the renewable energy into electricity.

3. The term does not include a system that is located on residential property.

Sec. 9. 1. A person who intends to locate a new business in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS for any renewable energy system which is constructed or installed on the property of the new business and which is for the purpose of supplying all or part of the electricity requirements of the new business.

2. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

- (a) The Chief of the Budget Division of the Department of Administration;*
- (b) The Department of Taxation;*
- (c) The board of county commissioners;*
- (d) The county assessor;*
- (e) The county treasurer; and*
- (f) The Office of Economic Development.*

3. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the renewable energy system. A request for a presentation must be made within 30 days after receipt of the application.

4. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 2 have received a copy of the application.

Sec. 10. 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to sections 2 to 16,

inclusive, of this act if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which:

(1) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to section 11 of this act, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the partial abatement; and

(2) Binds the successors in interest in the business for the specified period.

(b) 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.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the renewable energy system or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) The financial benefits that will result to this State from the employment by the business of the residents of this State and from capital investments by the business in this State will exceed the loss of tax revenue that will result from the partial abatement.

(e) The business is consistent with 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.

2. If the Director, in consultation with the Office of Economic Development, determines that such action is necessary, the Director may add additional requirements that a business must meet to qualify for a partial abatement.

3. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

4. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 11. 1. If the Director approves an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act of:

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;

(2) Be equal to not more than 55 percent of the taxes on real and personal property attributable to the renewable energy system and payable by the business each year; and

(3) Not apply during any period in which the business is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.

(b) Local sales and use taxes:

(1) The partial abatement must:

(I) Be for the 3 years beginning on the date of approval of the application;

(II) Be equal to that portion of the combined rate of all the local sales and use taxes attributable to the construction or installation of the renewable energy system and payable by the business each year which exceeds 0.25 percent; and

(III) Not apply during any period in which the business is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the business a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.

2. Upon approving an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act, the Director shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department of Taxation;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The Office of Economic Development.

Sec. 12. 1. The Director may, with the assistance of the Chief of the Budget Division of the Department of Administration and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local government and to the Office of Economic Development.

2. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to section 11 of this act, the Department of Taxation shall forward a copy of the certificate to each affected local government.

Sec. 13. 1. *A partial abatement approved by the Director pursuant to sections 2 to 16, inclusive, of this act terminates upon any determination by the Director that the business has ceased to meet any eligibility requirements for the partial abatement.*

2. *The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the business has ceased to meet those requirements.*

3. *The Director shall immediately provide notice of each determination of termination to:*

(a) *The Department of Taxation, which shall immediately notify each affected local government of the determination;*

(b) *The board of county commissioners;*

(c) *The county assessor;*

(d) *The county treasurer; and*

(e) *The Office of Economic Development.*

4. *A business whose partial abatement is terminated pursuant to this section shall repay to:*

(a) *The county treasurer the amount of the exemption from property taxes imposed pursuant to chapter 361 of NRS; and*

(b) *The Department of Taxation the amount of the exemption from local sales and use taxes,*

↪ that was allowed pursuant to this section before the date of that termination. 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 repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

Sec. 14. *Notwithstanding any statutory provision to the contrary, if the Director approves an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act of local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected for the period of the partial abatement from the business for the construction and operation of a renewable energy system in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.*

Sec. 15. *Notwithstanding the limitations on generating capacity set forth in NRS 704.771, the Director may, in consultation with the Office of Economic Development, make a determination that a renewable energy system installed on the property of a business which has been granted a partial abatement pursuant to sections 2 to 16, inclusive, of this act shall be*

deemed to be a net metering system for the purposes of and may participate in net metering pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 16. The Director:

1. Shall adopt regulations:

(a) Prescribing such requirements for an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director; and

(b) Requiring each recipient of a partial abatement pursuant to section 2 to 16, inclusive, of this act to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the partial abatement; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.

Sec. 17. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The **value of the** excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period ~~as an addition to the kilowatt hours generated by~~ **at the otherwise applicable rate or time-of-use rate charged to the customer-generator by the utility ~~in~~ during that billing period. ~~If the customer generator is billed for electricity pursuant to a time-of-use rate schedule, the value of the excess electricity carried forward must be added to the same time-of-use period as the time of~~**

~~use period in which it was generated unless the subsequent billing period lacks a corresponding time of use period. In that case, the value of the excess electricity carried forward must be apportioned evenly among the available time of use periods.]~~

(3) ~~[Excess]~~ **The value of the excess** electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 18. The Legislature hereby finds that each exemption provided by sections 2 to 16, inclusive, of this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or 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. 19. 1. This act becomes effective on July 1, 2013.

2. Sections 1 to 16, inclusive, of this act expire by limitation on June 30, 2033.

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. 396.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 377.

SUMMARY—Revises provisions relating to the waters of this State. (BDR ~~148-763~~) **26-763**)

AN ACT relating to water; providing persons with access to certain waters in this State for certain activities that use water; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Supreme Court expressly adopted the public trust doctrine in *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011). Under this doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability. Under existing law, the water of all sources of water supply within the boundaries of the State of Nevada is declared to belong to the public. (NRS 533.025) The use of water for recreational purposes is also recognized under existing law as a beneficial use of water. (NRS 533.030) In addition, Nevada has a recreational use statute in existing law which, with certain exceptions, limits the liability of an owner, lessee or occupant of a premises to persons who enter or use the land for recreational activities, including, without limitation, fishing and water sports. (NRS 41.510)

Subject to certain specified restrictions, this bill authorizes persons to use water that is navigable or capable of being navigated by oar, paddle or motorized watercraft year round at or below the ordinary high-water mark for any otherwise lawful activity that uses water, including boating, fishing, swimming and wading. This bill authorizes the owner of the bed of such water to place a fence or similar barrier across the water for legally authorized purposes, but requires the owner in such circumstances to **: (1) authorize the placement of a ladder, gate or other device that allows portage around or over the fence or barrier; and (2) post a sign at a certain location along the water indicating the existence of the fence or** barrier.

WHEREAS, The Nevada Supreme Court has expressly adopted the public trust doctrine in *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011); and

WHEREAS, Under the public trust doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability; and

WHEREAS, In addition to other sources of Nevada law that manifest the public trust doctrine, the *Lawrence* Court cited NRS 533.025 as “effectively statutorily codify[ing] the principles behind the public trust doctrine in Nevada” by recognizing that the water in Nevada belongs to the public not the State (*Lawrence*, 254 P.3d at 613); and

WHEREAS, The *Lawrence* Court also recognized the application of the public trust doctrine to recreational resources (*Lawrence*, 254 P.3d at 616); and

WHEREAS, NRS 533.030 explicitly recognizes recreation as a beneficial use of water; now, therefore,

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

Section 1. Chapter ~~533~~ 322 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~3~~ 3 to ~~5~~ 5.6, inclusive, of this act.

Sec. 2. ~~{The Legislature hereby finds and declares:~~

~~1. The Nevada Supreme Court expressly adopted the public trust doctrine in *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011). Under the public trust doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability.~~

~~2. In addition to other sources of Nevada law that manifest the public trust doctrine, the *Lawrence* Court cited NRS 533.025 as “effectively statutorily codify[ing] the principles behind the public trust doctrine in Nevada” by recognizing that the water in Nevada belongs to the public not the State. *Lawrence*, 254 P.3d at 613.~~

~~3. The *Lawrence* Court also recognized the application of the public trust doctrine to recreational resources. *Lawrence*, 254 P.3d at 616.~~

~~4. NRS 533.030 explicitly recognizes recreation as a beneficial use of water.} (Deleted by amendment.)~~

Sec. 3. As used in ~~{this section and}~~ sections ~~{4 and 5}~~ 3 to 5.6, inclusive, of this act, unless the context otherwise requires, “public access water”:

1. Means water described in subsection 1 of NRS 533.025 which is:

(a) *Flowing or collecting on the surface within a natural or realigned channel or in a natural lake, pond or reservoir on a natural or realigned channel; and*

(b) *Navigable or is capable of being navigated by oar, paddle or a watercraft propelled by a motor.*

2. *Does not include an irrigation ditch, flume or canal located on private property.*

Sec. 4. 1. *Public access water is open to use year round at or below the ordinary high-water mark for any otherwise lawful activity that uses water, including, without limitation, boating, fishing, swimming and wading.*

2. *A person using public access water is subject to any other restriction lawfully placed on the use of the water by a governmental entity with authority to restrict the use of the water.*

3. *When leaving a public access water, a person shall remove any refuse or tangible personal property that the person brought to the public access water.*

4. *The provisions of this section do not:*

(a) *Except as otherwise provided in this paragraph, authorize a person to enter upon, cross or use private property where the person has been warned by the owner or occupant of the property not to trespass in the manner prescribed in NRS 207.200, or where signs are displayed forbidding such entry, crossing or use without permission obtained from the owner or occupant of the private property other than at or below the ordinary high-water mark of a public access water. If a natural or artificial obstruction interferes with the use of a public access water, a person may, along with his or her vessel, portage around the obstruction :*

(1) At or below the ordinary high-water mark of the public access water;

(2) Along a trail identified for portage by the owner or occupant of the private property; or

(3) If the owner or occupant has not identified a trail for portage, in a manner that is reasonably direct and closest to the water to reenter the water immediately above or below the obstruction at the nearest point where it is safe to do so.

(b) *Limit or enlarge any right granted by express easement.*

5. *As used in this section, "vessel" has the meaning ascribed to it in NRS 501.096.*

Sec. 5. 1. *The owner of the bed of a public access water may place a fence or similar barrier across the public access water for agricultural, livestock or other purposes authorized by law. Such a fence or barrier must:*

(a) Comply with any applicable federal, state or local law, ordinance or regulation; and

(b) Be constructed in a manner that does not create an unreasonably dangerous condition to persons lawfully using the public access water.

2. If an owner has placed or places a fence or similar barrier pursuant to subsection 1, the owner shall ~~authorize~~ :

(a) Authorize the placement of a ladder, gate or other device that allows portage around or over the fence or barrier ~~if~~ ; and

(b) Post a sign indicating the existence of the fence or barrier which is clearly visible from the public access water and is posted at a reasonable distance below and above the fence or barrier and along the public access water.

Sec. 5.2. The State Land Registrar shall:

1. Determine the location of each known diversion work, barrier and portage route located along all public access water in this State; and

2. Prepare and periodically revise a map setting forth the location of each of those diversion works, barriers and portage routes.

Sec. 5.4. 1. If the boundary between the bed of a natural lake in this State and the land that is adjacent to the bed of the lake is established by a specific statute, the boundary established by that statute shall be deemed to be the ordinary high-water mark of the lake for the purposes of sections 3 to 5.6, inclusive, of this act.

2. The provisions of sections 3 to 5.6, inclusive, of this act and any recreational activity authorized pursuant to those provisions do not affect any right to appropriate water for a beneficial use or the title or ownership of any water, bed or bank of any navigable or nonnavigable water or portage route in this State.

Sec. 5.6. In addition to any other remedy or penalty, if a person violates a provision of sections 3 to 5.6, inclusive, of this act, any person aggrieved by the violation may bring a civil action against the person for:

1. Actual damages;

2. Reasonable attorney's fees; and

3. Any other legal or equitable relief that the court deems appropriate.

Sec. 5.8. NRS 41.510 is hereby amended to read as follows:

41.510 1. Except as otherwise provided in subsection 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. Except as otherwise provided in subsection 3, if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises:

(a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3. This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

4. As used in this section, "recreational activity" includes, but is not limited to:

- (a) Hunting, fishing or trapping;
- (b) Camping, hiking or picnicking;
- (c) Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;
- (d) Hang gliding or paragliding;
- (e) Spelunking;
- (f) Collecting rocks;
- (g) Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;
- (h) Riding animals, riding in vehicles or riding a road or mountain bicycle;
- (i) Studying nature;
- (j) Gleaning;
- (k) Recreational gardening; ~~and~~

(l) Portaging a vessel or any other crossing of private property in accordance with the provisions of sections 3 to 5.6, inclusive, of this act; and

(m) Crossing over to public land or land dedicated for public use.

Sec. 6. ~~NRS 533.025 is hereby amended to read as follows:~~

~~533.025 1. The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public.~~

~~2. The right of the public to use public water is governed by sections 2 to 5, inclusive, of this act.~~ **(Deleted by amendment.)**

Sec. 7. NRS 503.240 is hereby amended to read as follows:

503.240 1. ~~It~~ **Except as otherwise provided in sections ~~2~~ 3 to ~~5~~ 5.6, inclusive, of this act,** it is unlawful for any person to hunt, fish in nonnavigable waters or trap upon land which is private property where the person has been warned by the owner or occupant of the property not to trespass in the manner prescribed in NRS 207.200, or where signs are displayed forbidding hunting, trapping or fishing without permission obtained from the owner or occupant of the private property.

2. Any person using that private property for hunting, fishing or trapping shall comply with the provisions of NRS 207.220.

Sec. 8. NRS 533.025 is hereby amended to read as follows:

533.025 1. The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public.

2. The right of the public to use public water is governed by sections 3 to 5.6, inclusive, of this act.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the State Land Registrar the sum of \$50,000 for use by the State Land Registrar in carrying out the provisions of section 5.2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 313.

AN ACT relating to criminal justice; revising provisions governing the crime of burglary; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; ~~revising provisions governing credits for offenders sentenced for certain crimes; requiring the suspension of proceedings for certain violations relating to controlled substances; revising provisions governing the crime of trafficking in certain controlled substances;~~ requiring the Commission to study and report on certain issues; authorizing ~~{Clark County}~~ **each county** to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) ~~{Sections}~~ **Section 1** ~~{and 2}~~ of this bill ~~{remove}~~ **removes** the crime of petit larceny from the underlying offenses which constitute burglary. ~~{I}~~ **if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not twice previously been convicted of a similar offense within the previous 7 years.**

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 3** of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. **Section 8** of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report. ~~{ Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances. (NRS 209.4465) Section 5 of this bill provides that an offender convicted of a category B felony also qualifies to have certain credits deducted from the minimum term imposed by the sentence until the~~

~~offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances.~~

~~Existing law authorizes, but does not require, a court to suspend the proceedings and place on probation certain first-time offenders who violate certain provisions relating to controlled substances. (NRS 453.3363) Section 6 of this bill requires a court to suspend the proceedings and place such offenders on probation.~~

~~Existing law provides that a person is guilty of trafficking in a controlled substance if the person sells, manufactures, delivers or brings into this State or knowingly or intentionally possesses certain amounts of certain controlled substances which are listed in schedule I. (NRS 453.3385) Section 7 of this bill increases the threshold amounts by which a person may be found guilty of trafficking in those controlled substances.]~~

Existing law provides that a misdemeanor is punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) **Section 10** of this bill authorizes ~~{Clark County}~~ **each county** to establish a community court pilot project within ~~{one}~~ **any** of its justice courts located in the ~~{County}~~ **county** to provide an alternative to sentencing a person who is charged with a misdemeanor. **Section 11** of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. **Section 11** provides that if the defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

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

Section 1. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~{A}~~ **Except as otherwise provided in subsection 5, a** person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or

battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted two or more times for committing petit larceny in a commercial establishment during business hours within the immediately preceding 7 years.

~~Sec. 2. NRS 205.065 is hereby amended to read as follows:
205.065 Every person who unlawfully breaks and enters or unlawfully enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car may reasonably be inferred to have broken and entered or entered it with intent to commit grand [or petit] larceny, assault or battery on any person or a felony therein, unless the unlawful breaking and entering or unlawful entry is explained by evidence satisfactory to the jury to have been made without criminal intent. (Deleted by amendment.)~~

Sec. 3. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of this section and NRS 176.0121 to 176.0129, inclusive.*

2. *Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to this section and NRS 176.0121 to 176.0129, inclusive.*

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and section 3 of this act*, “Commission” means the Advisory Commission on the Administration of Justice.

Sec. 5. ~~NRS 209.4465 is hereby amended to read as follows:~~

~~209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:~~

~~—(a) For the period the offender is actually incarcerated pursuant to his or her sentence;~~

~~—(b) For the period the offender is in residential confinement; and~~

~~—(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,~~

~~→ a deduction of 20 days from his or her sentence for each month the offender serves.~~

~~2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:~~

~~—(a) For earning a general educational development certificate, 60 days;~~

~~—(b) For earning a high school diploma, 90 days;~~

~~—(c) For earning his or her first associate degree, 120 days;~~

~~3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.~~

~~4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.~~

~~5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.~~

~~6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.~~

~~7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:~~

~~(a) Must be deducted from the maximum term imposed by the sentence; and~~

~~(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.~~

~~8. Credits earned pursuant to this section by an offender who has not been convicted of:~~

~~(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;~~

~~(b) A sexual offense that is punishable as a felony;~~

~~(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or~~

~~(d) A category A [or B] felony,~~

~~→ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.]~~

(Deleted by amendment.)

Sec. 6. ~~[NRS 453.3363 is hereby amended to read as follows:~~

~~453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, [may] **shall** suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and~~

~~successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.500.~~

~~2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.~~

~~3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.~~

~~4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.~~

~~5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~ **(Deleted by amendment.)**

Sec. 7. [NRS 453.3385 is hereby amended to read as follows:

~~453.3385 Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~1. Is [4] 10 grams or more, but less than [14] 20 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than \$50,000.~~

~~2. Is [14] 20 grams or more, but less than [28] 40 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$100,000.~~

~~3. Is [28] 40 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~and by a fine of not more than \$500,000.] (Deleted by amendment.)~~

Sec. 8. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123, shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:

(a) A review of sentencing for all criminal offenses for which a term of imprisonment of more than 1 year may be imposed.

(b) An evaluation of the current system of parole, including a review of whether the current system should be maintained, amended or abolished.

(c) An evaluation of potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate. In evaluating such potential legislation, the Commission shall consider current practices governing sentencing and release from imprisonment and correctional resources, including, without limitation, the capacities of local and state correctional facilities and institutions.

2. Upon review of the issues pursuant to subsection 1, the Commission shall prepare a comprehensive report including the Commission's recommended changes, the Commission's findings and any recommendations for proposed legislation. The report must be submitted to the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary no later than June 1, 2014.

Sec. 9. As used in sections 10 and 11 of this act, "community court" means the community court that is established as part of a pilot project pursuant to section 10 of this act.

Sec. 10. 1. ~~[Clark County]~~ **Each county** may establish a community court pilot project within ~~one~~ **any** of the justice courts located in the ~~County]~~ **county** to provide an alternative to sentencing a person who is charged with a misdemeanor.

2. Notwithstanding any other provision of law, a defendant charged with a misdemeanor may be transferred to the community court by the justice court if the defendant:

- (a) Pleads guilty to the offense;
- (b) Has not previously been referred to the community court;
- (c) Agrees to comply with the conditions imposed by the community court; and
- (d) Agrees to a sentence, including, without limitation, a period of imprisonment in the county jail, which must be carried out if the defendant does not successfully complete the conditions imposed by the community court.

3. When a defendant is transferred to the community court, sentencing must be postponed and, if the defendant successfully completes all conditions imposed by the community court, the sentence of the defendant must not be executed or appear on the record of the defendant. If the defendant does not successfully complete all conditions imposed by the community court, the sentence must be carried out.

4. A defendant who is transferred to the community court remains under the supervision of the community court and must comply with the conditions established by the community court.

5. ~~{Clark County}~~ Each county may collaborate with state and local governmental entities as well as private persons and entities to coordinate and determine the services and treatment that may be offered to defendants who are transferred to the community court.

6. A defendant does not have a right to be referred to the community court pursuant to this section. It is not intended that the establishment or operation of the community court creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The decision by the justice court of whether to refer a defendant to the community court is not subject to appeal.

Sec. 11. 1. The community court shall provide for the evaluation of each defendant transferred to the community court to determine whether services or treatment is likely to assist the defendant to modify his or her behavior or obtain skills which may prevent the defendant from engaging in further criminal activity. Such services or treatment may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or such other services or treatment as the community court deems appropriate.

2. The community court shall provide or refer a defendant to a provider of such services or treatment. The community court may enter into contracts

with persons or private entities that are qualified to evaluate defendants and provide services or treatment to defendants.

3. A defendant who is ordered by the community court to receive services or treatment shall pay for the services or treatment to the extent of his or her financial resources.

4. The justice court shall not refuse to refer a defendant to the community court based on the inability of the defendant to pay any or all of the related costs.

5. The community court shall order a defendant to perform a specified amount of community service in addition to any services or treatment to which the defendant is ordered to receive. Such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

6. Notwithstanding any other provision of law, if a defendant successfully completes the conditions imposed by the community court, the community court shall so certify to the justice court, and the sentence imposed pursuant to section 10 of this act must not be executed or recorded. If the defendant does not successfully complete the conditions imposed by the community court, the case must be transferred back to the justice court, and the sentence must be carried out.

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. 434.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to interior designers; revising certain requirements for an application for a certificate of registration to practice as a registered interior designer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on an applicant for a certificate of registration to practice as a registered interior designer. (NRS 623.192) This bill revises those requirements to provide that ~~[(1)]~~ certain educational ~~[and experience]~~ requirements may be satisfied by the receipt of a degree from an architectural program ~~_. [accredited by the National Architectural Accrediting Board; and (2) an applicant who has received a degree from such a program may submit an oath in writing instead of personally appearing~~

~~before the State Board of Architecture, Interior Design and Residential Design to take an oath.~~ This bill also provides that any application submitted to the **State Board of Architecture, Interior Design and Residential Design** may be denied for any violation of the provisions of existing law governing architects, registered interior designers and residential designers, including any violation that might reasonably call into question the qualifications or experience of the applicant.

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

Section 1. NRS 623.192 is hereby amended to read as follows:

623.192 1. An applicant for a certificate of registration to practice as a registered interior designer must be of good moral character and submit to the Board:

- (a) An application on a form provided by the Board;
- (b) The fees required pursuant to NRS 623.310;
- (c) Proof which is satisfactory to the Board that the applicant has at least 2 years of experience in interior design ; ~~for has received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any;~~

(d) Proof which is satisfactory to the Board that the applicant has : ~~[successfully completed:]~~

(1) ~~[A]~~ **Successfully completed** a program of interior design accredited by the Council for Interior Design Accreditation or any successor in interest to that organization;

(2) ~~[A]~~ **Successfully completed** a substantially equivalent program of interior design approved by the Board; ~~[or]~~

(3) ~~[A]~~ **Successfully completed** a program of interior design ~~[A]~~ **or architecture**, other than a program described in subparagraph (1), ~~[or]~~ (2) ~~[A]~~ **or (4)**, which culminated in the award of a bachelor's degree or higher degree more than 5 years before the date of the application if the applicant possesses a combination of education and experience in interior design deemed suitable by the Board; **or**

(4) **Received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any;**

(e) A certificate issued by the National Council for Interior Design Qualification as proof that the applicant has passed the examination prepared and administered by that organization; and

(f) All information required to complete the application.

2. The Board shall, by regulation, adopt the standards of the National Council for Interior Design Qualification for the experience required

pursuant to the provisions of paragraph (c) of subsection 1 as those standards exist on the date of the adoption of the regulation.

3. ~~Before~~ ~~[Except as otherwise provided in this subsection, before]~~ being issued a certificate of registration to practice as a registered interior designer, each applicant must personally appear before the Board to take an oath prescribed by the Board. ~~[An applicant who has received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any, may submit an equivalent oath in writing.]~~

4. Any application submitted to the Board may be denied for any violation of the provisions of this chapter ~~1~~, **including, without limitation, any violation that might reasonably call into question the qualifications or experience of the applicant.**

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. 453.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 316.

AN ACT relating to motor vehicles; exempting certain fleet vehicles from the Department of Motor Vehicles insurance verification system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the liability insurance required by law. The only vehicles that are exempt from being included in such a system are certain golf carts. (NRS 485.313) **Section 2** of this bill creates an additional exemption for certain vehicles that are registered as part of a fleet of vehicles. **Section 2 further provides that verification of the required liability insurance for such fleet vehicles shall be deemed to have been satisfied by the submission to the Department by the insurer of the policy number and the name of the registered owner.**

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

Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle ~~if~~ **or the registered owner of the vehicle;** or

(3) In another form satisfactory to the Department.

↪ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of ~~10 or more vehicles based in this State~~ **more than one vehicle, all of which are covered by a commercial liability policy,** or vehicles insured under a blanket policy which does not identify individual vehicles, ~~may each~~ may be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 2. NRS 485.313 is hereby amended to read as follows:

485.313 1. The Department:

(a) Shall, in cooperation with insurers, create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the insurance required by NRS 485.185; and

(b) May enter into a contract with any person to provide services relating to the system.

2. The Director shall adopt regulations to carry out the provisions of this section . ~~including, without limitation, regulations for verifying that registered owners described in paragraph (b) of subsection 5 of NRS 482.215 maintain the insurance required by NRS 485.185.~~

3. **For vehicles which are part of a fleet of vehicles described in paragraph (b) of subsection 5 of NRS 482.215, the maintenance of the insurance required by NRS 485.185 shall be deemed to have been satisfied**

by the submission by the insurer to the Department of the policy number and the name of the registered owner of the vehicles.

4. As used in this section, “motor vehicle”:

(a) Does not include ~~[-except]~~ :

(1) Except as otherwise provided in subsection 1 of NRS 482.398, a golf cart as that term is defined in NRS 482.044.

(2) A vehicle that is registered as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215.

(b) Includes, without limitation ~~[-~~

~~(1) A] , a~~ motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (c) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

~~[(2) A vehicle that is registered as part of a fleet of vehicles and described in paragraph (b) of subsection 5 of NRS 482.215.]~~

Sec. 3. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

- (a) The name and address of the policyholder;
- (b) The name and address of the insurer;
- (c) Vehicle information, consisting of:

(1) The year, make and complete identification number of the insured vehicle or vehicles; or

(2) The word “Fleet” **and the name of the registered owner** if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

- (1) Becomes effective; and
- (2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement “This card must be carried in the insured motor vehicle for production upon demand.” The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 4. ~~{This act becomes effective on July 1, 2013.}~~ (Deleted by amendment.)

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 515.

AN ACT relating to education; requiring the Department of Education to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements necessary to receive federal funding under the Elementary and Secondary Education Act of 1965; prescribing certain requirements for a uniform statewide system of accountability for public schools; **revising provisions governing the annual reports of accountability for public schools;** repealing provisions relating to adequate yearly progress and the designation of public schools and school districts based upon an annual determination of whether the public schools and school districts have made adequate yearly progress; repealing provisions governing the consequences and sanctions for public schools and school districts designated as needing improvement; repealing provisions governing the creation and duties of school support teams for certain public schools designated as needing improvement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils, challenging academic content standards and periodic examinations on those challenging academic standards. (20 U.S.C. §§ 6301 et seq.) The Act was a significant reauthorization of the Elementary and Secondary Education Act of 1965. Certain provisions of the Act apply only to those public schools and school districts receiving federal money pursuant to the provisions of the Act, also known as "Title I schools" and "Title I school districts." (NRS 385.3467, 385.34675) The intended goal of the No Child Left Behind Act was to hold the states, local school districts and public schools accountable for improving

the academic achievement of all pupils and to identify and turn around low performing schools. The Act's mechanism for determining the status of schools and school districts is based primarily upon an annual determination of whether the school or school district has made adequate yearly progress.

The Congress of the United States has not acted to make significant revisions to the No Child Left Behind Act and, in 2011, the United States Department of Education made it possible for states to apply to the Department for flexibility from some of the provisions of the Act. In August 2012, the Nevada Department of Education received approval from the United States Department of Education to implement an accountability system for public schools that allows for a waiver from some of the specific provisions of the No Child Left Behind Act. The approval requires the Nevada Department of Education to track the performance of pupils and public schools, including measuring, reporting on and supporting the achievement of pupils. Since the approval of the waiver, the Nevada Department of Education has developed the Nevada School Performance Framework for the statewide system of accountability for public schools.

Section 1 of this bill requires the Department of Education to obtain the approval necessary to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act. **Section 1** also establishes certain requirements for the statewide system of accountability for public schools which applies to all public schools, regardless of Title I status, and which must: (1) include a method to rate each public school based upon performance; (2) include a method to implement consequences, rewards and supports for public schools based upon the ratings; and (3) establish annual measurable objectives and performance targets for public schools.

Under existing law, the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools are required to prepare annual reports of accountability that include various information on public schools and the pupils enrolled in public schools. (NRS 385.3469, 385.347) Sections 4 and 6 of this bill revise the contents of the annual reports of accountability to include information concerning violations of the code of honor relating to cheating or any other code of honor applicable to pupils enrolled in high school.

Under existing law, the statewide system of accountability for public schools conforms with the No Child Left Behind Act and makes many of the provisions of that Act applicable to both Title I and non-Title I schools. (NRS 385.3455-385.391) Under Nevada's accountability system, public schools and school districts are designated as demonstrating: (1) exemplary achievement; (2) high achievement; (3) adequate achievement; or (4) need for improvement. (NRS 385.3611) These designations are based primarily

upon an annual determination of whether each public school and school district has made adequate yearly progress. (NRS 385.361, 385.3613, 385.3762) **Section 32** of this bill repeals these provisions requiring the designations of public schools and school districts based upon adequate yearly progress.

Under existing law, if a Title I school receives a designation as demonstrating need for improvement, the Title I school is subject to certain consequences, depending upon the number of consecutive years the Title I school receives the designation, including providing school choice, providing supplemental educational services, implementing certain corrective actions and implementing a plan for restructuring the school. (NRS 385.3661, 385.372, 385.3743, 385.3746, 385.37607, 385.3761) If a non-Title I school receives a designation as demonstrating need for improvement, depending upon the number of consecutive years the school receives the designation, the non-Title I school is subject to some of the consequences that apply to Title I schools. (NRS 385.3693, 385.3721, 385.3755, 385.3745, 385.376, 385.37603, 385.37605) In a similar manner, there are prescribed consequences for school districts that are designated as demonstrating need for improvement. (NRS 385.3772, 385.3773) **Section 32** repeals these provisions relating to the consequences for public schools and school districts based upon the annual designations.

Under existing law, the State Board of Education is required to prescribe by regulation differentiated corrective actions, consequences and sanctions for public schools designated as needing improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for the school. (NRS 385.3611, 385.36125-385.36129) **Section 32** repeals the provisions relating to the creation and duties of school support teams.

Section 4 of Assembly Bill No. 460 is hereby amended as follows:

Sec. 4. NRS 385.3469 is hereby amended to read as follows:

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

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

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

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

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

~~— (3) Pupils with disabilities;~~

~~— (4) Pupils who are limited English proficient; and~~

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

identified in the statewide system of accountability for public schools.

(c) A comparison of the achievement of pupils in each group identified in ~~[paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.]~~ ***the statewide system of accountability for public schools with the performance targets established for that group.***

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

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in ~~[paragraph (b).]~~ ***the statewide system of accountability for public schools.***

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

(g) ~~[Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.]~~ ***The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.***

(h) Information on whether each public school, including, without limitation, each charter school, has made ~~[-~~

~~— (1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~— (2) Progress]~~ ***progress*** based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

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

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

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(5) For each elementary school:

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

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

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

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide

program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

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

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

(ji) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~{State Board}~~ **Department** shall ~~{prescribe a}~~ **use the** mechanism **approved by the United States Department of Education for the statewide system of accountability for public schools** for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

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

~~{(b)}~~ Be prepared in a concise manner; and

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

4. On or before October 15 of each year, the State Board shall:

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

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

- (1) Governor;
- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

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

6. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Section 6 of Assembly Bill No. 460 is hereby amended as follows:

Sec. 6. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

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

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

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

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

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

~~—— (III) Pupils with disabilities;~~

~~—— (IV) Pupils who are limited English proficient; and~~

~~—— (V) Pupils who are migratory children, as defined by the State Board.]~~ **identified in the statewide system of accountability for public schools.**

(4) A comparison of the achievement of pupils in each group identified in ~~paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.]~~ **the statewide system of accountability for public schools with the performance targets established for that group.**

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

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in ~~subparagraph (3).]~~ **the statewide system of accountability for public schools.**

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

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

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

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➡ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield

statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~{State Board}~~ **Department** shall ~~{prescribe}~~ **use** the mechanism **approved by the United States Department of Education for the statewide system of accountability for public schools** for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

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

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, “administrator,” “other staff” and “teacher” have the meanings ascribed to them in paragraph (d).

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as

long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

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

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

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

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

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

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

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

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

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

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

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

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

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

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

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

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

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

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

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

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

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

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

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

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

~~—(bb) Information on whether—~~ **The rating of** each public school in the district, including, without limitation, each charter school sponsored by the district, ~~has made adequate yearly progress, including, without limitation:~~

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

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

~~— (cc) } pursuant to the statewide system of accountability for public schools.~~

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

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

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

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

~~{(ee)}~~ **(dd)** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~{(ff)}~~ **(ee)** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

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

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

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

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

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

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

~~{(gg)}~~ **(ff)** The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~{(hh)}~~ **(gg)** For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

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

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~(hh)~~, ~~{(gg)}~~ inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section ~~in the manner set forth in 20 U.S.C. §~~

~~6311(h)(2)(E)~~ by posting a copy of the report on the Internet website maintained by the Department.

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

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

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

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must ~~be~~:

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

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

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

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

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher

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

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, ~~in the manner set forth in 20 U.S.C. § 6311(h)(2)(E))~~ by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the

institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Harassment” has the meaning ascribed to it in NRS 388.125.
- (d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) “Intimidation” has the meaning ascribed to it in NRS 388.129.

(f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 230.

AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver’s license or identification card indicating that he or she is a veteran; **requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver’s license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a

veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections 5 and 6 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) requests to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States provide evidence satisfactory to the Department indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of **section 5 or 6**, as applicable, **sections 2 and 3** of this bill require the Department to place a designation that the person is a veteran on the person's instruction permit, driver's license or identification card, as appropriate. **Sections 5 and 6 also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces.**

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Upon the application of a person who requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.*

2. *The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.*

Sec. 3. 1. *Upon the application of a person who requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran.*

2. *The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any identification card to which this section applies.*

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, **and section 2 of this act** apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for **the initial issuance of** an instruction permit or driver's license pursuant to NRS 483.290 ~~or the renewal of an instruction permit or driver's license,~~ the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~evidence~~:

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~or~~; **and**

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. **In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States may request that his or her instruction permit or driver's license have imprinted the designation described in section 2 of this act. A person who submits a request pursuant to this subsection must provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States. The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.**

4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

~~4.~~ 5. The Department shall, at least once each ~~quarter~~, **month:**

(a) Compile ~~the aggregate number~~ **a list** of persons who have, during the immediately preceding ~~quarter~~, **month**, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~number~~ **list** to the Office of Veterans Services to be used for statistical **and communication** purposes.

Sec. 6. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for **the initial issuance of** an identification card pursuant to NRS 483.850 ~~or the renewal of an identification card pursuant to NRS 483.875,~~ the Department

shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~the evidence~~ :

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~1~~; and

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. *In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States may request that his or her identification card have imprinted the designation described in section 3 of this act. A person who submits a request pursuant to this subsection must provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States. The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.*

4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

~~4.~~ 5. The Department shall, at least once each ~~quarter~~ month:

(a) Compile ~~the aggregate number~~ a list of persons who have, during the immediately preceding ~~quarter~~ month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~number~~ list to the Office of Veterans Services to be used for statistical and communication purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that, upon return from the printer, Assembly Bills Nos. 146, 256, 273, 325, 424, and 447 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 3:15 p.m.
Motion carried.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 3:34 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Horne moved that Assembly Bills Nos. 200, 395, and 459 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 225, 351; Senate Bill No. 139, be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 73.
Bill read third time.
Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 73 revises the information an applicant for a license to practice chiropractic must provide, modifies the passing score for the license examination, and makes changes to the duration of a license. The bill also makes changes to the definition of unprofessional conduct for purposes of professional discipline by the Chiropractic Physicians' Board of Nevada and allows the Board to waive certain continuing education requirements. Finally, A.B. 73 increases the maximum fee the Board may charge for a review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic from \$25 to \$50.

This bill is being presented on behalf of the Chiropractic Physicians' Board of Nevada. When we originally presented the bill, which now has been amended, there were scope-of-practice issues, but those have all been resolved. The fees represent an increase in the charges, reflecting the cost to perform the services.

Roll call on Assembly Bill No. 73:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 73 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 95 requires a pharmacist or practitioner to indicate the brand name of a drug, for which a generic drug is being substituted, on the prescription label under certain circumstances.

This is good, commonsense legislation that will help Nevadans understand what medications they are taking, and I urge your support.

Roll call on Assembly Bill No. 95:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 95 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 120 requires the Division of Insurance to post on its Internet website a list of companies that do not use credit information to create an insurance score for the purposes of rating an applicant or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance.

The Insurance Commissioner has agreed to do this, and several companies I have talked to are also in accord with this.

Roll call on Assembly Bill No. 120:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 120 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

I rise in support of Assembly Bill 131. It amends the Virgin Valley Water District Act by requiring that all members of the Board of the Virgin Valley Water District be elected from the service area of the water district, rather than some elected and some appointed. All five members of the Board serve four-year terms.

The people in the service areas have a desire to elect all of their Board members rather than have some of them be appointed by the municipalities, and the Board agrees with this. I wish for your approval on this.

Roll call on Assembly Bill No. 131:

YEAS—36.

NAYS—Bobzien, Diaz, Ohrenschall, Pierce—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 179 increases from \$50,000 to \$75,000 the amount of revenue received by a regulatory board that would require that board to engage the services of a public accountant to perform an annual fiscal audit. The bill also provides that a board must hire a public accountant or accounting firm to audit its fiscal records for any year in which the board was out of compliance in submitting certain reports.

I appreciate the opportunity to work with others on this bill and look forward to its passage. I hope you can support it.

Roll call on Assembly Bill No. 179:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 179 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 185. Assembly Bill 185 allows the Labor Commissioner to enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to promote compliance with labor laws that are of common concern.

Roll call on Assembly Bill No. 185:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 185 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 231 provides that a vacancy in the membership of a governing body of a town board or of a town advisory board must be filled by appointment by the applicable board of county commissioners. Additionally, the board of county commissioners shall appoint a member to fill a vacancy on a board of directors of a local improvement district if the board of directors of the local improvement district fails to do so within 30 days.

This is a bill we brought forward to make sure vacancies are filled in a timely manner on some of these local boards. It is important, especially on some of the smaller boards, when there are only three members, if one of them is not present or not able to fulfill their duties. I appreciate your support on this bill.

Roll call on Assembly Bill No. 231:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 231 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 264 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. 266.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 266. Assembly Bill 266 defines “veteran” in Chapter 417 of the *Nevada Revised Statutes*, which is specific to veterans’ services, for the purpose of establishing who is entitled to certain privileges and benefits.

Caleb Cage, Captain of the United States Army, Executive Director of the Nevada Office of Veterans Services, noted that it is the national practice to define “veteran” uniformly, and the definition that is proposed in the amendment would bring Nevada in line with the federal definition.

Roll call on Assembly Bill No. 266:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblymen Flores, Oscarson, and Bobzien.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 286. Assembly Bill 286 requires a host organization or sponsor of a special event with more than 2,500 persons in attendance or observation to provide a first-aid station and a dedicated advanced life support ambulance onsite if certain factors apply. The required number of first-aid stations, dedicated advanced life support ambulances, and medical personnel, including skill level, varies based upon the number of persons projected to attend the event.

I strongly urge this body to support this bill. It creates a basic and uniform level of medical services for all events that are held in Nevada which consist of very large gatherings of 2,500 people or more. It is especially important, I think, in light of a recent tragedy where we were able to see that having emergency medical services present at the event saves lives. It is important to ensure the safety of those in attendance, and time is of the essence in very large gatherings like this. In addition, throughout the entire state, some areas of the state do not have the emergency services available that others have. For example, in urban areas, you have the ability to call 911. It pulls ambulances and services from the grid, but that then means there are less services available for the community. In other areas of the state where there aren't that many services available, there isn't anyone to call if you do not plan ahead.

You never know when an emergency is going to arise, so it is incredibly important to ensure that those services are planned for in advance. If just basic first-aid services are available, they need to be there when tragedy strikes. If events already have this level of service, then clearly this bill is not going to affect them. So I strongly urge the body to support this bill. It is important that no matter where you are visiting in Nevada, if you are attending a very large event, you have emergency services available to you.

ASSEMBLYMAN OSCARSON:

I rise today in opposition to Assembly Bill 286. While I am extremely sensitive to tragedies that have occurred recently—I believe medical services are absolutely necessary to ensure the safety and welfare of participants and spectators for special events—Assembly Bill 286 creates an unnecessary financial impact on small communities and does not consider the practicality or impact it will have. Instead, we should consider less burdensome alternatives, strengthen emergency medical services [EMS], and create incentives that promote medical personnel and county officials to work together to provide responsible medical services. I urge members to seek out ways to improve public safety without creating additional financial hardships on our smaller communities.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 286. Nevada is well known for a number of signature large special events. They are the core of our economic development and our tourism efforts, and I believe the vast majority of the events, be they big or small around the state, can already comply

with the provisions of this bill rather readily. Certainly, as we have heard from the bill's sponsor, time is of the essence when a tragedy strikes. No matter whether you're in a small rural community or in a large urban area, we should be treating the need for preparation for these events equally. It is the right thing to do for our citizens, it is the right thing to do for our tourists that come here, It is the right thing to do for Nevada.

Roll call on Assembly Bill No. 286:

YEAS—26.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 286 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 324 provides for the regulation of dental assistants and a new classification, certified dental assistants, by the Board of Dental Examiners of Nevada. The bill specifies that a dental assistant or certified dental assistant may only perform intraoral tasks and dental procedures authorized by the Board and under the supervision of a licensed dentist or dental hygienist. It prescribes qualifications, in terms of the certificate of registration, and continuing education components that will be required.

The bill becomes effective upon passage and approval for adopting regulations and for performing the administrative tasks. The dental assistants and certified dental assistant will have to be registered by July 1, 2015, so we are giving them plenty of time to comply with this new legislation.

Roll call on Assembly Bill No. 324:

YEAS—33.

NAYS—Duncan, Ellison, Fiore, Frierson, Livermore, Ohrenschall, Wheeler—7.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 324 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 331 prohibits a provider of health care from requesting certain payment from a patient for any services rendered if the provider of health care fails to submit any claim to the patient's health care plan, under certain circumstances.

Roll call on Assembly Bill No. 331:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 331 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 356. Assembly Bill 356 encourages Carson City, any nonprofit organization, and any other interested stakeholder to work cooperatively with various state agencies to develop recommendations for the preservation of the Nevada State Prison in Carson City, Nevada, for use as a historical, educational, and scientific resource for the State of Nevada.

For everyone's information, on May 18, 2012, after 150 of continued service, Nevada State Prison was decommissioned. It was a pleasure to witness most of the day, the presentation out in the lobby about the historical artifacts that make Nevada State Prison so important to Nevada.

Roll call on Assembly Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 356 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Assembly Bill 437 authorizes a title insurer to provide a closing protection letter to any party in a real estate transaction, not only the party purchasing title insurance. The bill restricts the acts or omissions that may affect the status of the title or the validity of the lien on the mortgage for the real estate subject to the transaction. A title insurer is restricted from providing indemnification for the type provided by the closing protection letter in any other manner. Additionally, A.B. 437 provides that a closing protection letter may indemnify the party to whom it is issued from acts or omissions by a person employed or approved by the title insurer to perform the closing or settlement services. It also authorizes the issuer of the letter to charge \$25 per letter that they write.

Roll call on Assembly Bill No. 437:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 437 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblyman Ohrenschall and Madam Speaker.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 487. Assembly Bill 487 raises from 25 to 40 percent the recycling goal that must be taken into account when the State Environmental Commission adopts certain regulations related to recycling and the disposal of hazardous household products. The bill also directs the board of county commissioners of each county to report to the 2015 Legislature regarding efforts and progress made to establish programs for single-stream recycling.

This 25 percent goal that we currently have in law was first adopted in the 1991 Legislature. Assembly Bill 320 was sponsored by then-representative from District 24 Assemblywoman Vivian Freeman, who was a great leader in terms of environmental issues and recycling movements, and we just now hit 25 percent. It has taken us 20 years to get there. Our interim committee—on study issues related to recycling, bottle deposits, issues like that—came up with 40 percent, and hopefully it will not take us another 20 years to get there.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Assemblyman Ohrenschall, I have a question, and I apologize because I should have asked you this before. So this is not requiring them to go to single-stream, this is just requiring them to report all pilot programs that they have in place?

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, that is correct. The committee had many meetings and we took a lot of testimony. Originally, the goal of the committee was to look and see if a bottle deposit would work in Nevada. There was not support among the committee during the interim for that. However, there was a lot of testimony about the success of single-stream recycling in the communities where it has been tried as a pilot program. You are absolutely right, the bill does not require that single-stream recycling be implemented, but it does require that counties report on how a possible move toward single-stream recycling is going. Pursuant to the legislation sponsored by my colleague from District 27, that report will expire in five years.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Can I ask one more question? I apologize; I should have asked you sooner. So currently the health district gets a copy of that. Between the County Commission and the health district, it should true up with the state, correct?

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, you stumped me there. I believe the county will send that report to the Legislature. I am not sure if the health district gets in between when the report gets sent.

Roll call on Assembly Bill No. 487:

YEAS—30.

NAYS—Ellison, Fiore, Grady, Hansen, Hardy, Hickey, Horne, Kirner, Wheeler—9.

EXCUSED—Aizley, Benitez-Thompson—2.

VACANT—1.

Assembly Bill No. 487 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Joint Resolution No. 7. This resolution urges the National Park Service to recognize the importance of mid-20th century architecture in Nevada and to provide assistance in listing significant examples of such architecture in the National Register of Historic Places. The resolution also urges the Governor to proclaim May 20, 2014, as the day to acknowledge and celebrate important examples of mid-20th century architecture in Nevada.

Roll call on Assembly Joint Resolution No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Aizley, Benitez-Thompson—2.

VACANT—1.

Assembly Joint Resolution No. 7 having received a constitutional majority,
Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 225, 264, 351;
Senate Bill No. 139, be taken from the General File and placed on the
General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Neal, the privilege of the floor of the
Assembly Chamber for this day was extended to James Chaney and
Louis Conner.

On request of Assemblyman Oscarson, the privilege of the floor of the
Assembly Chamber for this day was extended to Evelyn Abel and
Susan Sutton.

On request of Assemblyman Wheeler, the privilege of the floor of the
Assembly Chamber for this day was extended to the following students from
Rite of Passage Charter School: Damion Anaya, Cody Brooks,

Hector Carranza, Jose Carvajal, Markus Gallegos, Paul Haynes, Erick Johnson, Saul Meza, Logan Ortiz, Juan Jay Reyes, Christopher Romiski, Ruben Sanchez, Micah Taylor, Hunter Thomas, Cedric Vincent, and Christian Weikl.

Assemblyman Horne moved that the Assembly adjourn until Thursday, April 18, 2013, at 11 a.m.

Motion carried.

Assembly adjourned at 4:19 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly