THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 21, 2013

Assembly called to order at 1:12 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Horne, Pierce, and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Keep strong our faith in the power of prayer as we unite our petitions in this sacred moment. We have asked for Your guidance in difficult decisions many times; they have not been answered in the way we had hoped. Many of the situations and relationships which we have asked You to change have remained the same.

Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas or that there is nothing You can do. Remind us, O' God, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power.

May we do the same with ourselves, that You can work through us to do Your will.

This we ask in the Name of the One who is all powerful.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson 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 Senate Bills Nos. 220, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 442, 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 was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 54, 99, 410, 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 Senate Bills Nos. 38, 107, 141, 179, 224, 321, 373, 389, 424, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 301, 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 Legislative Operations and Elections, to which were referred Senate Bills Nos. 246, 405, 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 Legislative Operations and Elections, to which was rereferred Senate Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 72, 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 Committee on Taxation, to which were referred Senate Bills Nos. 209, 301, 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 Ways and Means, to which was referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 287, 336, 405, 408, 410, 414, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2013

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 2, 11, 17, 19, 23, 25, 29, 30, 39, 40, 55, 59, 61, 65, 72, 79, 82, 89, 90, 93, 94, 102, 109, 110, 117, 120, 128, 132, 144, 154, 155, 158, 168, 173, 174, 182, 183, 185, 194, 199, 210, 217, 221, 231, 244, 249, 255, 259, 266, 277, 281, 282, 307, 310, 322.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 83, Amendment No. 594; Assembly Bill No. 205,

Amendment No. 612, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 423, 469, 490; Senate Joint Resolution No. 14 of the 76th Session.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 44, 303, 466, 471.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 619 to Senate Bill No. 122.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 301, 304; Senate Bills Nos. 38, 54, 72, 99, 107, 141, 179, 209, 220, 224, 228, 246, 273, 301, 319, 321, 373, 389, 405, 410, 424, 442, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Frierson moved that Senate Bill No. 252 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 67 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 466; Senate Bills Nos. 237, 258, be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Senate Bills Nos. 76, 80, 94, 162, 236, and 262 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Swank moved that Assembly Bill No. 436 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Speaker Kirkpatrick.

For: A New BDR No. C-1227

AJR: Proposes to amend the *Nevada Constitution* to ensure access to affordable health care in an emergency to all persons in this State.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 10, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

MARILYN K. KIRKPATRICK
Speaker of the Assembly

By Assemblywoman Kirkpatrick:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons who are not indigent but who do not have health insurance or are underinsured are often made to pay highly inflated prices for health care services received as a result of an emergency; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals to charge inflated rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital shall deny treatment or services to a person who arrives at the emergency department of the hospital as a result of an emergency, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive emergency medical care and services at a reasonable cost, and no hospital shall charge for any treatment, service or medication or other product provided to a person who arrives at the emergency department of the hospital as a result of an emergency, whether or not the person has insurance, an amount which is greater than 200 percent of the lowest rate which the hospital has agreed to accept from a federal public insurer for the treatment, service or medication or other product.

3. The provisions of subsections 1 and 2 are self-executing. The Legislature may provide by law for a different rate than provided in subsection 2 if the Legislature determines that a different rate is appropriate and ensures that emergency medical care and services will be provided at a reasonable cost, and may further provide by law for the imposition of a penalty or fine, or both a penalty and fine, for failure to comply with this section and any additional requirements and restrictions on hospitals regarding the amount charged for any treatment, service or

medication or other product provided to a person who arrives at the emergency department of a hospital as a result of an emergency.

Assemblywoman Dondero Loop moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 13—Amending the Assembly Standing Rules for the 77th Session of the Legislature to conform the number of members on the Committee on Ways and Means.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule No. 40 of the Standing Rules of the Assembly as adopted and amended by the 77th Session of the Legislature is hereby further amended to read as follows:

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, ~~[~~sixteen~~]~~ ***fifteen*** members.
2. Judiciary, twelve members.
3. Taxation, twelve members.
4. Education, fourteen members.
5. Legislative Operations and Elections, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, fifteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

Assemblyman Ohrenschall moved the adoption if the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 44.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 303.

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

Motion carried.

Senate Bill No. 423.

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

Motion carried.

Senate Bill No. 466.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 469.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 471.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 490.

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

Motion carried.

Senate Joint Resolution No. 14 of the 76th Session.

Assemblyman Frierson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 301.

Bill read second time.

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

Amendment No. 603.

AN ACT relating to water; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on the laws, regulations and policies relating to the use, allocation and management of water in this State. (NRS 218E.525) This bill requires the Committee to conduct a study concerning water conservation and alternative sources of water for Nevada communities and to submit a report of its findings and any recommendations for legislation to the 78th Session of the Nevada Legislature.

~~[WHEREAS, The waters of the State of Nevada are among its most precious and vital resources; and~~

~~WHEREAS, The State of Nevada is one of the most arid states in the United States and its limited surface water and groundwater resources have been depleted by recent drought conditions in the Colorado River Basin and the Great Basin; and~~

~~WHEREAS, Adequate, long-term supplies of water are essential to Nevada's economic future, valued quality of life and natural environment, and it is apparent that Nevada's urban areas will need alternative sources of water in the future to support growth and development; and~~

~~WHEREAS, One of the duties of the Legislative Committee on Public Lands is to review and comment on issues relating to water resources in this State; now, therefore,]~~

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

Section 1. 1. The Legislative Committee on Public Lands shall conduct a study during the 2013-2014 interim concerning **water conservation and** alternative sources of water for Nevada communities. The study must include, without limitation, a **comprehensive** review of **~~[:]~~ all of the following:**

(a) Issues relating to water resources in this State;

(b) Studies ~~[relating to]~~ **quantifying** water use, surface water resources and groundwater resources, including, without limitation, increased water supply through conservation; ~~[and]~~

(c) **The total consumptive use of water in this State, calculated on the basis of gallons per capita per day;**

(d) Alternative sources of water, including, without limitation, desalination of ~~[ocean]~~ water, ~~[reclaiming wastewater, using graywater, capturing rainwater]~~ **interbasin transfers of groundwater, conservation of water used for agricultural purposes, water conservation in urban areas** and cloud seeding **~~[.]~~ , and the reuse of water, including, without limitation, reclaiming wastewater, using graywater and capturing rainwater; and**

(e) Efforts that may be taken by the State of Nevada to ensure the equitable apportionment of groundwater in basins that have boundaries which extend outside the borders of the State of Nevada.

2. In addition to any report required pursuant to NRS 218E.525, the Committee shall, on or before February 1, 2015, submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 682.

AN ACT relating to criminal records; authorizing the dissemination of certain information concerning the criminal history of certain prospective and current employees and volunteers who work in positions involving children, elderly persons or persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the dissemination of certain information concerning the criminal history of prospective and current employees who work in positions involving children. (NRS 179A.180-179A.240) This bill expands these provisions: (1) to apply to persons who work in positions involving elderly persons and persons with disabilities; and (2) to authorize the dissemination of such information concerning certain prospective and current volunteers.

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

Section 1. NRS 179A.180 is hereby amended to read as follows:

179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless the context otherwise requires:

1. ***"Elderly person" means a person who is 60 years of age or older.***

2. "Employee" means a person who renders time and services to an employer ~~[.]~~ ***for compensation,*** and whose regular course of duties places that person in a position to:

(a) Exercise supervisory or disciplinary control over children ~~[.]~~ ***, elderly persons or persons with disabilities;***

(b) Have direct access to or contact with children ***, elderly persons or persons with disabilities who are*** served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children ***, elderly persons or persons with disabilities who are*** served by the employer,

➥ and includes a prospective employee **.** ~~[, but does not include a volunteer or prospective volunteer.]~~

~~[2.]~~ ***3.*** "Employer" means a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, whose employees ***or volunteers*** regularly render services to children, ***elderly persons or persons with disabilities,*** including without limitation care, treatment, transportation, instruction, companionship, entertainment and custody. ***The term includes, without limitation, a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, that licenses or certifies others to render services to children, elderly persons or persons with disabilities.***

4. "Person with a disability" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

5. Except as otherwise provided in this subsection, "volunteer" means a person who renders time and services to an employer without compensation, and whose regular course of duties place that person in a position to:

(a) Exercise supervisory or disciplinary control over children, elderly persons or persons with disabilities;

(b) Have direct access to or contact with children, elderly persons or persons with disabilities who are served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children, elderly persons or persons with disabilities who are served by the employer,

➥ and includes a prospective volunteer. The term does not include a person who renders time and services for a public school or for an activity that is part of the program for a public school. As used in this subsection, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 2. NRS 179A.190 is hereby amended to read as follows:

179A.190 1. Notice of information relating to the offenses listed in subsection 4 may be disseminated to employers pursuant to NRS 179A.180 to 179A.240, inclusive.

2. An employer may consider such a notice of information concerning an employee ***or a volunteer*** when making a decision to hire, retain, suspend or discharge the employee ~~[,]~~ ***or volunteer,*** and is not liable in an action alleging discrimination based upon consideration of information obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

3. The provisions of NRS 179A.180 to 179A.240, inclusive, do not limit or restrict any other statute specifically permitting the dissemination or release of information relating to the offenses listed in subsection 4.

4. The offenses for which a notice of information may be disseminated pursuant to subsection 1 includes information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to:

(a) A sexual offense;

(b) A conviction for a felony within the immediately preceding 7 years;

(c) An act committed outside this State that would constitute a sexual offense if committed in this State or a conviction for an act committed outside this State that would constitute a felony if committed in this State; and

(d) The aiding, abetting, attempting or conspiring to engage in any such act in this State or another state.

Sec. 3. NRS 179A.200 is hereby amended to read as follows:

179A.200 1. In addition to any other information which an employer is authorized to request pursuant to this chapter, an employer may request from the Central Repository notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ~~[.]~~ ***or a volunteer.***

2. A request for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 from an employer must conform to the requirements of the Central Repository. The request must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee ***or volunteer*** is employed ***or volunteering*** or ***is*** seeking to become employed ~~[.]~~ ***or to volunteer;***

(c) The name, a complete set of fingerprints and other identifying information of the employee ~~[.]~~ ***or volunteer;***

(d) Signed consent by the employee ***or volunteer*** authorizing:

(1) The employer to forward the fingerprints of the employee ***or volunteer*** to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(2) A search of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ~~[.]~~ ***or volunteer;*** and

(3) The release of a notice concerning that information;

(e) The mailing address of the employee ***or volunteer*** or a signed waiver of the right of the employee ***or volunteer*** to be sent a copy of the information disseminated to the employer as a result of the search of the records of criminal history; and

(f) The signature of the employee ***or volunteer*** indicating that the employee ***or volunteer*** has been notified ***:*** ~~[of:]~~

(1) ~~[The]~~ ***That his or her fingerprints will be used as the basis of a check of his or her records of criminal history;***

(2) Of the types of information for which notice is subject to dissemination pursuant to NRS 179A.210, or a description of the information;

~~[(2) The]~~

(3) Of the employer's right to require a check of the records of criminal history as a condition of employment ~~[;]~~ ***or volunteering;*** and

~~[(3) The]~~

(4) Of the employee's ***or volunteer's*** right, pursuant to NRS 179A.150, to challenge the accuracy or sufficiency of any information disseminated to the employer.

Sec. 4. NRS 179A.210 is hereby amended to read as follows:

179A.210 1. Upon receipt of a request from an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall undertake a search for the information, unless the request does not conform to the requirements of the Repository. The search must be based on the fingerprints of the employee ~~[,]~~ ***or volunteer,*** or on a number furnished to the employee ***or volunteer*** for identification pursuant to a previous search, as provided by the employer, and must include:

(a) Identifying any information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ***or volunteer*** in the Central Repository;

(b) Requesting information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ***or volunteer*** from repositories of the United States or other states, if authorized by federal law or an agreement entered into pursuant to NRS 179A.075;

(c) If the information pertains to an arrest for which no disposition has been reported, contacting appropriate officers in the local jurisdiction where the arrest or prosecution occurred to verify and update the information; and

(d) Determining whether the information relating to the offenses listed in subsection 4 of NRS 179A.190 is the type of information for which notice is subject to dissemination pursuant to this section.

2. Notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 may be disseminated to an employer who has requested it only if a check of the pertinent records indicates:

(a) A conviction for any such offense, or a conviction based on an arrest or on an initial charge for any such offense;

(b) An arrest or an initial charge for a sexual offense that is pending at the time of the request; or

(c) Two or more incidents resulting in arrest or initial charge for a sexual offense that have not resulted in a conviction.

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository shall submit the fingerprints of the employee ***or volunteer*** to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

4. Within 30 days after receipt of a request by an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall send a written report of the results of the search to the employer and to the employee ~~[.]~~ ***or volunteer,*** except that if the employee ***or volunteer*** has waived the right to receive the results of the search, the report must be sent only to the employer. If the search revealed:

(a) No information for which notice is subject to release, the report must include a statement to that effect; or

(b) Information about the employee ***or volunteer*** for which notice is subject to release, the report must include a notice of the type of information, limited to the descriptions set forth in subsection 2, revealed by the search. The notice must not include any further facts or details concerning the information. A statement of the purpose for which the notice is being disseminated, and the procedures by which the employee ***or volunteer*** might challenge the accuracy and sufficiency of the information, must also be included with the report.

5. Upon receipt of corrected information relating to the offenses listed in subsection 4 of NRS 179A.190 for which notice was disseminated under this section, the Central Repository shall send written notice of the correction to:

(a) The employee ***or volunteer*** who was the subject of the search, unless the employee ***or volunteer*** has waived the right to receive such a notice;

(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[.]~~ ***or volunteer,*** any other employers who previously received the information.

6. Upon receipt of new information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ***or volunteer*** who was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the Central Repository shall send written notice of the information to:

(a) The employee ***or volunteer*** who was the subject of the search, unless the employee ***or volunteer*** has waived the right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[,]~~ ***or volunteer,*** any other employers who previously received a report of the results of the search.

Sec. 5. ~~[NRS 179A.230 is hereby amended to read as follows:~~

~~179A.230 1. A person who is the subject of a request for notice of information pursuant to NRS 179A.180 to 179A.240, inclusive, may recover actual damages in a civil action against:~~

~~(a) The Central Repository for an intentional or grossly negligent:~~

~~(1) Dissemination of information relating to the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or~~

~~(2) Release of information relating to the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;~~

~~(b) The Central Repository for an intentional or grossly negligent failure to correct any notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 which was disseminated pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.~~

~~2. An employer is liable to a child~~ ***, elderly person or person with a disability*** ~~served by the employer for damages suffered by the child~~ ***, elderly person or person with a disability*** ~~as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child~~ ***, elderly person or person with a disability*** ~~by an employee~~ ***or volunteer*** ~~if, at the time the employer hired the employee~~ ***[,] or volunteer,*** ~~the employee~~ ***or volunteer*** ~~was the subject of information relating to the offenses for which notice was available for dissemination to the employer and the employer:~~

~~(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(b) Was unable to obtain the information because the employee~~ ***or volunteer*** ~~refused to consent to the search and release of the information, and the employer hired or retained the employee~~ ***or volunteer*** ~~despite this refusal.~~

~~The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child~~ ***, elderly person or person with a disability*** ~~in an action against the employee~~ ***or volunteer*** ~~for damages sustained as a result of an offense listed in subsection 4 of NRS 179A.190.~~

~~3. An action pursuant to this section must be brought within 3 years after:~~

~~(a) The occurrence upon which the action is based; or~~

~~(b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if the party was not aware of the occurrence at the time of the occurrence.~~

~~4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.~~**] (Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

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

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 1:35 p.m.

Madam Speaker presiding.

Quorum present.

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

Amendment No. 607.

AN ACT relating to persons with disabilities; restricting the ~~[devices]~~ **terms** of certain agreements relating to vending stands established by the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; authorizing such agreements to provide for the recovery by certain persons and entities of increases in utility costs or other expenses resulting from the operation of such vending stands; **revising provisions governing the Business Enterprise Account for Persons Who Are Blind;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish, where

suitable, vending stands in property owned, leased or occupied by the State or any of its political subdivisions, with certain exceptions, with the consent of the state or local governmental department or agency charged with maintaining the building or property. (NRS 277A.320, 426.640, 426.670) Similar agreements for the establishment of vending stands in a privately owned building are authorized between the Bureau and the private building owner. (NRS 426.685)

Sections 1 and 2 of this bill prohibit a private building owner or governmental agency that owns or controls a building or property in or on which a vending stand is established from requiring the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. An example of such a prohibited fee or assessment is a fee for the maintenance of landscaping or a common area. **Sections 1 and 2** authorize such a private building owner or governmental agency to enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand. Any conflicting provision in any contract or other agreement relating to such a vending stand is declared to be void. **Section 3** of this bill exempts any contract or other agreement relating to a vending stand in force on the effective date of this bill between the Bureau or a licensee and the owner of a private building in which the vending stand is established from the provisions of **section 2** during the current term of the contract or other agreement.

Existing law establishes the Business Enterprise Account for Persons Who Are Blind and provides that if the Account is dissolved, any money remaining in the Account reverts to the State General Fund. (NRS 426.675) Section 1.5 of this bill provides, instead, that if the Account is dissolved or the Vending Stand Program is terminated, the Administrator of the Rehabilitation Division shall, within 60 days: (1) provide an accounting of the money remaining in the Account to all licensed vending stand operators; and (2) distribute to each such operator his or her proportionate share of that money. Section 1.5 also requires the Division to adopt regulations to carry out those provisions.

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

Section 1. NRS 426.670 is hereby amended to read as follows:

426.670 1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by persons who are

blind and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Bureau may enter into leases ***,*** ~~[or]~~ licensing agreements ***or other contracts or agreements*** therefor.

(c) Select, train, license and assign qualified persons who are blind to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with persons who are blind to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a person who is blind.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to ensure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to 426.720, inclusive, or a regulation adopted pursuant to those sections when they are due.

4. A department or agency that has care, custody and control of a public building or property in or on which a vending stand is established:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct,

measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ Any provision in a lease, licensing agreement, contract or other agreement relating to a vending stand established pursuant to this section that conflicts with this subsection is void.

Sec. 1.5. **NRS 426.675 is hereby amended to read as follows:**

426.675 1. The Business Enterprise Account for Persons Who Are Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for Persons Who Are Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program; and

(3) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or his or her designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for Persons Who Are Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for Persons Who Are Blind is dissolved ~~[, any money remaining therein reverts to the State General Fund.]~~ ***or the Vending Stand Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:***

(a) Provide an accounting of the money remaining in the Account to all licensed vending stand operators; and

(b) Distribute any money remaining in the Account to each such operator in the same proportion as the money deposited in the Account and

attributable to that operator bears to all the money remaining in the Account.

➥ The Division shall, in consultation with the Nevada Committee of Blind Vendors or its successor organization, adopt regulations to carry out the provisions of this subsection.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

6. The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

Sec. 2. NRS 426.685 is hereby amended to read as follows:

426.685 ***1.*** The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into ~~[an]~~ ***a contract or other*** agreement approved by the Bureau.

2. The owner of a building in which a vending stand is established pursuant to subsection 1:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.

Sec. 3. 1. The provisions of NRS 426.670, as amended by section 1 of this act, apply to any contract or other agreement relating to a vending stand entered into before, on or after the effective date of this act.

2. The provisions of NRS 426.685, as amended by section 2 of this act, do not apply to any contract or other agreement relating to a vending stand entered into before the effective date of this act during the current term of the contract or other agreement, but do apply to any extension or renewal of such a contract or other agreement and to any contract or other agreement entered into on or after the effective date of this act.

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 688.

AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing **, conducting** or receiving ~~[admission]~~ **any** money **or other compensation** for a **charreada or rodeo that includes** horse tripping **; authorizing a charreada or rodeo to include a horse roping** event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) ~~[This]~~ **Section 1 of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. Section 1.5 of this** bill prohibits a person from **: (1)** engaging in horse tripping for sport, entertainment, competition or practice **;** or **(2)** knowingly organizing, sponsoring, promoting, overseeing **, conducting** or receiving ~~[admission]~~ money ~~[for]~~ **or any other compensation for parking or for the admission to or attendance at** a charreada or rodeo that includes ~~[a]~~ horse tripping **. Section 1.5 also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping** event **in which a horse or other animal of the equine species is caught by the legs and then released** unless **the person first obtains a permit from** the local government where the horse ~~[tripping]~~ **roping** event is conducted **. ~~[allows it.]~~ Sections 4 and 5 of this bill require each board of county commissioners and city council to enact an ordinance setting forth the manner in which a person may apply for the issuance of the permit.** This bill imposes a criminal penalty against a person who is guilty of committing horse tripping, and provides an exception for ~~[catching and releasing an~~

~~animal.]~~ **tripping a horse or other animal of the equine species to provide medical or other health care.**

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

Section 1. **NRS 574.050 is hereby amended to read as follows:**

574.050 As used in NRS 574.050 to 574.200, inclusive:

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. ***"Horse tripping" means the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall.***

4. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~[4.]~~ ***5.*** "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

~~[Section. 1.]~~ ***Sec. 1.5.*** NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. ***A person shall not:***

(a) ~~[Except as otherwise provided in paragraph (b), intentionally]~~ Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee , conduct or receive any money or other compensation for parking or for the admission or attendance of any person to a charreada or rodeo that includes ~~[a horse]~~ :

(1) Horse tripping ~~[event unless the horse tripping event is allowed by the local government where the horse tripping event is conducted.]~~ ; or

(2) A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.

6. The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.

7. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[~~6.**~~]~~** ***~~[7.]~~*** ***8.*** Except as otherwise provided in subsection **~~[~~**5,**~~]~~** ***~~[6,]~~*** ***7,*** a person who violates subsection 1, 2 **~~[~~**or 3.**~~]~~** ***, 3 or 5:***

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[7.]~~ ~~*[8.]*~~ ***9.*** In addition to any other fine or penalty provided in subsection ~~[5]~~ ~~*[6]*~~ ***7*** or ~~[6,]~~ ~~*[7,]*~~ ***8,*** a court shall order a person convicted of violating subsection 1, 2 **,** ~~[or]~~ 3 ***or 5*** to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~[or 3,]~~ ***, 3 or 5*** including, without limitation, money expended for veterinary treatment, feed and housing.

~~[8.]~~ ~~*[9.]*~~ ***10.*** The court may order the person convicted of violating subsection 1, 2 **,** ~~[or]~~ 3 ***or 5*** to surrender ownership or possession of the mistreated animal.

~~[9.]~~ ~~*[10.]*~~ ***11.*** The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; ~~[or]~~

(b) Operating a ranch ~~.[.~~

~~*— 11. As used in this section:*~~

~~*— (a) "Horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:*~~

~~*— (1) Tripping such an animal to provide medical or other health care for the animal; or*~~

~~*— (2) Catching such an animal by the front legs and then releasing it as part of a horse tripping event that is allowed by the local government where the event is conducted.*~~

~~*— (b) "Horse tripping event" means an event at which a person intentionally engages in horse tripping for sport, entertainment, competition or practice.]*~~ ***; or***

(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.

Sec. 2. **NRS 244.189 is hereby amended to read as follows:**

244.189 1. Except as otherwise provided in subsection 2 and ***NRS 244.359, and*** in addition to any other powers authorized by ***a*** specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing;

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by ***a*** specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 3. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, ***244.359,*** 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend

the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 4. **NRS 244.359 is hereby amended to read as follows:**

244.359 1. ~~[Each]~~ ***Except as otherwise provided in subsection 4, each*** board of county commissioners may enact and enforce an ordinance or ordinances:

(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.

(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.

(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.

(d) Prohibiting cruelty to animals.

(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.

2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.

3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed $500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this

subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.

4. Each board of county commissioners shall enact an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The board of county commissioners may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the county which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the county, the board of county commissioners shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 5. **NRS 266.325 is hereby amended to read as follows:**

266.325 ~~[The]~~ ***1. Except as otherwise provided in subsection 2, the*** city council may:

~~[1.]~~ ***(a)*** Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.

~~[2.]~~ ***(b)*** Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.

~~[3.]~~ ***(c)*** Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.

~~[4.]~~ ***(d)*** Prohibit cruelty to animals.

2. Each city council shall adopt an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The city council may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the city which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the city, the city council shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 6. **NRS 266.355 is hereby amended to read as follows:**

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS ***266.325,*** 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 7. **This act becomes effective upon passage and approval.**

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 99.

Bill read second time.

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

Amendment No. 666.

AN ACT relating to child welfare; requiring an agency which provides child welfare services to obtain and examine the credit report for certain children in its custody; requiring the agency to report each potential instance of identity theft or other crime to the Attorney General and make a diligent effort to resolve any inaccuracy in the report; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency which provides child welfare services to provide maintenance and special services to children who are placed in the custody of the agency. (NRS 432.020) This bill requires an agency which

provides child welfare services to obtain and examine the credit report of certain children placed into its custody when each child reaches the age of 16 years or, if a child has reached the age of 16 years before being placed into the custody of the agency, ~~[upon]~~ **within 90 days after** placement of the child, and at least once annually thereafter to identify any inaccuracies in the credit report. **This bill requires the agency, before obtaining the credit report, to inform each child of this requirement to obtain and examine his or her credit report and to explain to the child how inaccuracies on his or her credit report may be resolved and what financial impact an inaccuracy may have if left unresolved.** If the agency finds any inaccuracies, this bill requires the agency to report any information which indicates that a potential instance of identity theft or other crime may have occurred to the Attorney General and to continue to make a diligent effort to resolve each inaccuracy until all inaccuracies have been corrected ~~[.]~~ **or the child leaves the custody of the agency. If the child leaves the custody of the agency, this bill requires the agency to notify the child or the person responsible for the welfare of the child of any remaining inaccuracies, how the inaccuracies may be resolved and any community services that may be available to assist in resolving the inaccuracies.** This bill authorizes the Attorney General to investigate any such reports and prosecute the persons responsible for any identity theft identified in the investigation.

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

Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;

(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and

(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

(a) When the child reaches the age of 16 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or

(b) If the child has reached the age of 16 years before the child is placed in the custody of the agency which provides child welfare services, ~~[upon]~~ within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

~~[2.]~~ 3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

~~[3.]~~ 4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) ~~[Continue to make diligent efforts to resolve the]~~ If an inaccuracy ~~[if it]~~ remains unresolved after the child has left the custody of the agency which provides child welfare services ~~[until the inaccuracy is corrected.~~ ~~4.]~~ , notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:

(1) That an inaccuracy exists in the credit report of the child;

(2) Of the manner in which to correct the inaccuracy; and

(3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.

5. An agency which provides child welfare services may, upon consent of a child who remains under the jurisdiction of a court pursuant to NRS 432B.594, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.

6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection ~~[3]~~ 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 746.

SUMMARY—Restricts the use of ~~[solitary confinement and]~~ corrective room restriction on children in confinement. (BDR 5-519)

AN ACT relating to the administration of justice; restricting the use of ~~[solitary confinement and]~~ corrective room restriction on children who are in confinement in a state, local or regional facility for the detention of children; requiring the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 1 and 2 of this bill prohibit the use of solitary confinement on a child who is detained in a state, local or regional facility for the detention of children.]~~ **Sections 1 and 2 of this bill** authorize the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children only if all other less-restrictive options have been exhausted and only to: (1) modify the negative behavior of the child; (2) hold the child accountable for a violation of a rule of the facility; or (3) ensure the safety of the child, the staff or others or to ensure the security of the facility. **Sections 1 and 2** also: (1) specify certain actions that must be taken with respect to a child subjected to corrective room restriction; ~~[and]~~ (2) provide that if a child is subjected to corrective room restriction, the period of corrective room restriction must be the minimum time required to address the negative behavior, rule violation or threat ~~[.]~~ **; and (3) provide that a child must not be subjected to corrective room restriction for more than 72 consecutive hours.**

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 7** of this bill requires the Commission to conduct a study concerning certain aspects of detention and incarceration in this State.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A local or regional facility for the detention of children shall not subject a child to solitary confinement.~~

~~2.]~~ A child who is detained in a local or regional facility for the detention of children may be subjected to corrective room restriction only if

all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

~~[3.]~~ 2. Any ~~[disciplinary]~~ action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local or regional facility for the detention of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~[,]~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local or regional facility for the detention of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A local or regional facility for the detention of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for ~~[more than 5 days]~~ 72 consecutive hours must be addressed in the monthly report, and the report must include

the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

~~[7.]~~ 8. As used in this section ~~[:~~

~~(a) "Corrective]~~ , "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action ~~[.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell.]~~ and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 2. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A facility shall not subject a child to solitary confinement.~~

~~2.]~~ A child who is detained in a facility may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

~~[3.]~~ 2. Any ~~[disciplinary]~~ action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~[,]~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A facility shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than ~~[5 days]~~ 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section ~~[:~~

~~(a) "Corrective]~~ , "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action ~~[.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell.]~~ and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, during the 2013-2014 interim, conduct a study concerning detention and incarceration in this State. The study must include, without limitation, an evaluation of:

1. Procedures regarding placement in, and release from, **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction and solitary confinement;

2. Security threat group identification, including, without limitation, any information relating to gang activity;

3. Notification of release and release procedures;

4. Access provided to children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement to:

(a) Mental health services;

(b) Audio and visual media for appropriate mental stimulation;

(c) Daily contact with staff;

(d) Health care services;

(e) Substance abuse programs and services;

(f) Reentry resources and transitional programs and services;

(g) Programs and services for offenders and prisoners who are veterans;

(h) Educational programming; and

(i) Other programs and services that are available to the general population;

5. The amount of specialized training provided to staff who interact with children, offenders and prisoners who are confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

6. The number of children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who were referred to mental health professionals;

7. The number of children, offenders and prisoners in the general population who were referred to mental health professionals;

8. The number of children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who have a mental health diagnosis;

9. The number of children, offenders and prisoners in the general population who have a mental health diagnosis;

10. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners who are confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

11. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners in the general population;

12. The number of reviews conducted by facilities concerning the placement of a child, offender or prisoner in **protective segregation,**

administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement that resulted in the child, offender or prisoner being transferred to the general population;

13. The average length of time children, offenders and prisoners were continuously confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

14. The longest and shortest length of time a child, offender or prisoner was continuously confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

15. A summary of the reasons for which children, offenders and prisoners were placed in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

16. The rate of recidivism among children, offenders and prisoners who were confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement at any time before release or discharge;

17. The rate of recidivism among children, offenders and prisoners who were never confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

18. The number of children, offenders and prisoners who were confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement immediately before being discharged from detention, including those discharged to parole or mandatory supervision; and

19. A calculation of the cost per day of confining a child, offender and prisoner in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 729.

AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to court appointed special advocate programs in certain smaller counties under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency of criminal justice, upon request, to disseminate records of criminal history to certain persons and governmental entities. (NRS 179A.100) This bill requires an agency of criminal justice to disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, (currently counties other than Clark and Washoe Counties) as needed to ensure the safety of a child for whom a special advocate has been appointed.

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

Section 1. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity

designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) A court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 2. This act becomes effective on July 1, 2013 **~~[.]~~ , and expires by limitation on June 30, 2015.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 731.

AN ACT relating to public safety; enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to pedestrians and crosswalks; ~~[authorizing the imposition by a court of mandatory attendance in a pedestrian, bicycle and traffic safety course for the driver of a vehicle found guilty of certain traffic violations;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) **Sections 2 and 24** of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. **Section 24** also makes it unlawful for a driver to make a U-turn

or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, **section 24** requires that the sign posted to mark the beginning of each school zone and school crossing zone newly include a designation that fines may be higher when the speed limit is in effect.

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. **Section 1** also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. **Sections 3-13, 17, 18, 20-22, 25-28 and 30-32** of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) **Section 15** of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. ~~[Section 15 also authorizes a court, upon the conviction of the driver of a motor vehicle for violating certain crosswalk requirements, to order the driver to attend a course of pedestrian, bicycle and traffic safety and to lower the amount of any fine imposed if the person attends such a course. Section 15 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.]~~ **Section 19** of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.

Existing law requires a pedestrian to yield the right-of-way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic-control devices are in operation. (NRS 484B.287) **Section 16** of this bill eliminates the requirement for a pedestrian to yield the right-of-way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. ~~[Section 16 also revises the prohibition on a pedestrian crossing outside of a marked crosswalk between adjacent~~

~~intersections to forbid a pedestrian from crossing outside of a marked or unmarked crosswalk if the pedestrian is within 250 feet of a marked or unmarked crosswalk, unless the pedestrian is crossing certain streets in a residential area.]~~ **Section 16** also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.

~~[Existing law provides that driving a vehicle in willful or wanton disregard of the safety of persons or property constitutes reckless driving, and provides for the imposition of certain fines and terms of imprisonment on a driver who is found guilty of reckless driving. (NRS 484B.653) Section 29 of this bill authorizes a court to order a driver found guilty of reckless driving under certain circumstances to, in addition to the required fine or term of imprisonment, attend a course of pedestrian, bicycle and traffic safety if the reckless driving involved the safety of pedestrians or persons riding bicycles. Section 29 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.]~~

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

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

1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection 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.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the zone which provides notice that higher fines may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any pedestrian in the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) ~~[Comply]~~ Complies with the requirements of subsection 3 ~~[.]~~ and NRS 484A.430 and 484A.440.

Sec. 2. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections ~~[.2]~~ ***5, 9*** and ~~[6,]~~ ***11,*** a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, ***484B.363,*** 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120 ~~[.]~~ ***is subject to the additional penalty set forth in subsection 4 if*** that ***violation*** occurred ~~[:~~

~~(a)]~~ ***as described in subsection 2 or 3.***

2. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions ***.*** ~~[.~~

~~]~~ ***3. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:***

(a) In an area designated as a school zone or a school crossing zone in accordance with NRS 484B.363; and

(b) When the speed limits required by NRS 484B.363 are in effect.

4. Except as otherwise provided in sections 5, 9 and 11, a person convicted of a violation pursuant to subsection 1 shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection 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.

~~[2.]~~ ***5.*** The additional penalty imposed pursuant to subsection ~~[1]~~ ***4*** must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

~~[3.]~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***8,*** a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

~~[4.]~~ ***7.*** A person who otherwise would be subject to an additional penalty pursuant to ~~[this section]~~ ***subsection 2*** is not relieved of any criminal liability because signs are not erected as required by subsection ~~[3]~~ ***6*** if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

~~[5.]~~ ***8.*** The requirements of subsection ~~[3]~~ ***6*** do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

~~[6.]~~ ***9.*** A person who would otherwise be subject to an additional penalty pursuant to ~~[this section]~~ ***subsection 2*** is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection ~~[5,]~~ ***8,*** unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

10. A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not relieved of any criminal liability because the school zone or school crossing zone is not marked in accordance with NRS 484B.363 if the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to $1,000 or more.

11. A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not subject to an additional penalty if the violation occurred in a school zone or a school crossing zone which is not marked in accordance with NRS 484B.363 unless the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to $1,000 or more.

Sec. 3. 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 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.

3. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

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. 4. NRS 484B.163 is hereby amended to read as follows:

484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 5. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 6. NRS 484B.200 is hereby amended to read as follows:

484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;

(b) When the right half of the highway is closed to traffic;

(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;

(d) Upon a highway designated and posted for one-way traffic; or

(e) When the highway is not of sufficient width.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 7. NRS 484B.203 is hereby amended to read as follows:

484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 8. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. 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]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 9. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. 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]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 10. NRS 484B.213 is hereby amended to read as follows:

484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

2. A vehicle must not be driven to the left side of the highway at any time:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

3. Subsection 2 does not apply upon a one-way highway.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 11. NRS 484B.217 is hereby amended to read as follows:

484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic-

control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.

3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.

4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 12. NRS 484B.223 is hereby amended to read as follows:

484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:

(a) Be driven as nearly as practicable entirely within a single lane; and

(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.

2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:

(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;

(b) In preparation for a left turn; or

(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.

3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:

(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.

(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.

(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:

(a) Be driven in the right turn lane only for the purpose of making a right turn; and

(b) While being driven in the right turn lane, not travel through an intersection.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 13. NRS 484B.227 is hereby amended to read as follows:

484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right-hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 14. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a ***school zone or a*** school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk ~~[.]~~ ***in accordance with NRS 484B.283.***

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.

Sec. 15. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control ~~[devices]~~ ***signals*** are not in place or not in operation **,** the driver of a vehicle shall ~~[yield the right-of-way, slowing down~~

~~or stopping if need be so to yield, to~~] ***stop for*** a pedestrian crossing the highway within a ***marked or unmarked*** crosswalk when the pedestrian is upon ***or within one traffic lane of*** the half of the highway upon which the vehicle is traveling ~~[, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.~~] ***or onto which the vehicle is about to turn.***

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to ~~[yield.~~] ***stop.***

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk ***,*** ~~[at an intersection,~~] the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" ***or symbols indicating "Walk" or "Don't Walk"*** are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. ***The requirements of paragraph (a) of subsection 1 do not apply:***

(a) At a marked or unmarked crosswalk where the movement of traffic is being directed by a police officer; or

(b) Where otherwise prohibited by local ordinance or regulation.

3. ~~[Except as otherwise provided in subsection 4, if the driver of a motor vehicle or a pedestrian violates paragraph (a) or (c) of subsection 1,~~

~~*the court may, in addition to any fine imposed, order the driver or pedestrian to attend, at the driver's or pedestrian's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department. The court may lower the amount of any fine imposed if the driver or pedestrian attends such a course.*~~

~~*4. The driver of a motor vehicle or a pedestrian who violates paragraph (a) or (c) of subsection 1 may be exempted from attending a course of pedestrian, bicycle and traffic safety pursuant to subsection 3 if he or she lives more than 50 miles from the nearest location where such a course is offered.*~~

~~*5.]*~~ If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~*[6.]*~~ *4. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.*

~~*[7.]*~~ *5. For the purposes of this section, "half of the highway" means the entire width of all the traffic lanes which are conveying traffic in the same direction of travel, including any paved shoulder.*

Sec. 16. NRS 484B.287 is hereby amended to read as follows:

484B.287 ***1.*** Except as provided in NRS 484B.290:

~~[1.]~~ ***(a)*** Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk ~~[at an intersection]~~ shall yield the right-of-way to all vehicles upon the highway.

~~[2.]~~ ***(b)*** Any pedestrian crossing a highway ~~[at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.~~

~~3. Between adjacent intersections at which official traffic control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

~~4.]~~ ***shall cross at a right angle to the edge of the highway, or by the shortest route to the opposite side of the highway where a right angle is not possible or practicable except as otherwise provided in paragraphs*** ~~*[(c)]*~~ *(c)* ***and*** ~~*[(f).]*~~ *(d).*

(c) ~~*[Except as otherwise provided in this paragraph, a pedestrian who is within 250 feet of a marked crosswalk or an unmarked crosswalk shall not cross the highway outside of the marked or unmarked crosswalk. On a residential street, a pedestrian who is within 250 feet of a marked or an unmarked crosswalk may cross the residential street outside of the marked or unmarked crosswalk in accordance with paragraphs (a) and (b).*~~

~~*(d) A pedestrian who is more than 250 feet from a marked or unmarked crosswalk may cross a highway in accordance with paragraphs (a) and (b).*~~

~~*— (e)]*~~ A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~[~~5.~~]~~ ~~*[(f)]*~~ ***(d)*** When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

~~***[3. As used in this section, "residential street" means a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.]***~~

Sec. 17. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. It is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 18. NRS 484B.303 is hereby amended to read as follows:

484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.

2. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 19. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word ***or symbol*** legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and ~~[to]~~ ***stop for*** pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within an adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within the adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and ~~[to]~~ ***stop for*** pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. ***Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:***

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must stop for pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as provided in paragraph (c), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-

way to the left, but must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians and ***yield the right-of-way to*** other traffic proceeding as directed by the signal at the intersection.

(d) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

~~[8.]~~ ***9.*** Where the signal is a steady red with a green turn arrow:

(a) Vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within an adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

~~[9.]~~ ***10.*** If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~[10.]~~ ***11.*** Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~[11.]~~ ***12.*** A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

13. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

Sec. 20. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 21. NRS 484B.320 is hereby amended to read as follows:

484B.320 1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:

(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal; or

(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic-control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:

(1) The device or mechanism is removed from the vehicle; and

(2) The owner claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.

5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal in or on a vehicle on the highways of this State constitutes prima facie evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.

6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

7. A person who violates any provision of subsection 1 or 2 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

➥ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 277A.270.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).

(f) "Traffic-control signal" means a traffic-control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.

Sec. 22. NRS 484B.327 is hereby amended to read as follows:

484B.327 1. It is unlawful for any person to remove any barrier or sign stating that a highway is closed to traffic.

2. It is unlawful to pass over a highway that is marked, signed or barricaded to indicate that it is closed to traffic. A person who violates any provision of this subsection may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 23. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than $1,000, the driver shall be punished by a fine of not less than $1,000 or more than $2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in ~~[subsection 1 of]~~ NRS 484B.130.

4. As used in this section, "authorized flagger serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 24. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. ***The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:***

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An

area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

~~[~~4.~~]~~ ***6.*** Each such governing body and the Department ***of Transportation*** shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include ~~[~~a~~]~~ ***:***

(a) A designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present ~~[~~.

~~5.]~~ ***; and***

(b) A statement which satisfies the requirements of NRS 484A.430 and provides notice that higher fines may apply in school zones.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

~~[~~6.~~]~~ ***8. A person who violates any provision of subsections 1 to 4, inclusive, may be subject to any additional penalty set forth in NRS 484B.130 or section 1 of this act.***

9. If, while violating ~~[~~subsection 1 or 2,~~]~~ ***any provision of subsections 1 to 4, inclusive,*** the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~[~~7.~~]~~ ***10.*** As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 25. NRS 484B.403 is hereby amended to read as follows:

484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227 ***, 484B.363*** and 484B.407.

2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.

3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.

4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 26. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 27. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. Any person who fails to use due care as required by subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 28. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court

shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to ~~[~~~~the~~~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 29. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, ~~[~~~~subsection 1 or 2~~~~]~~ ***subsections 1 to 4, inclusive,*** of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months . ~~[~~~~.~~~~]~~

~~*→ and may be ordered to attend, at the driver's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department if the violation involved the safety of pedestrians or persons riding bicycles. The driver may be exempted from attending such a course if he or she resides more than 50 miles from the nearest location where such a course is offered.]*~~

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ***or section 1 of this act*** unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 30. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Sec. 31. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 32. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the

display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 712.

SUMMARY—Requires **each regional development authority and** the Board of Economic Development to ~~[make recommendations]~~ **take certain actions** regarding a recruiting and marketing effort to attract professionals and businesses to this State. (BDR 18-854)

AN ACT relating to economic development; **requiring each regional development authority to present a plan for its region to the Executive Director of the Office of Economic Development regarding a recruiting and marketing effort to attract professionals and businesses to the region;** requiring the Board of Economic Development to make recommendations to the Executive Director ~~[of the Office of Economic Development]~~ regarding a recruiting and marketing effort to attract professionals and businesses to this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Economic Development to recommend to the Executive Director of the Office of Economic Development a State Plan for Economic Development and to make recommendations for carrying out the State Plan. ~~[This]~~ **Section 2 of this** bill specifically requires the inclusion of recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State. (NRS ~~[231.033,]~~ 231.037)

Existing law further requires the Executive Director to designate regional development authorities to implement the State Plan. (NRS 231.053)

Section 1 of this bill requires each regional development authority to present a plan to the Executive Director regarding the development and enhancement of a recruiting and marketing effort to attract

professionals and businesses to the region of this State served by the regional development authority. Section 1 also requires the Executive Director to consider those plans in carrying out his or her duties concerning the State Plan.

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

Section 1. **Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:**

Each regional development authority shall present a plan to the Executive Director regarding the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority. The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

Sec. 1.5. **NRS 231.020 is hereby amended to read as follows:**

231.020 As used in NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast or other electronic transmission, and programs made for broadcast or other electronic transmission in episodes.

~~[Section 1.]~~ ***Sec. 2.*** NRS 231.037 is hereby amended to read as follows:

231.037 The Board shall:

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development ~~[.]~~ ***, including, without limitation, recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.***

3. Recommend to the Executive Director the criteria for the designation of regional development authorities.

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional development authorities for each region.

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;

(b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;

(c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; and

(d) Any other activities of the Office.

6. Review each proposal by the Executive Director to enter into a contract pursuant to NRS 231.057 for more than $100,000 or allocate, grant or loan more than $100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not enter into any contract pursuant to NRS 231.057 for more than $100,000 or make any allocation, grant or loan of more than $100,000 to any entity unless the allocation, grant or loan is approved by the Board.

Sec. 3. **NRS 231.053 is hereby amended to read as follows:**

231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional

development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** and 231.1573 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** and 231.1573 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 220.

Bill read second time.

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

Amendment No. 745.

AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing

members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; **revising provisions relating to schools of cosmetology;** providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86 , 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to **: (1) enter any premises in this State where a person who holds a license, certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred; and (2)** enter, with the cooperation of the appropriate law enforcement agency, any **other** premises in this State where **there is probable cause to believe that** a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit **without having done so** to determine whether the person holds the appropriate license, certificate or permit issued by that board.

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards **, unless the board determines that extenuating circumstances exist,** to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. **Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108** of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another

licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. **Section 110** of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) **Section 1** of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. Section 100.5 of this bill revises provisions governing the licensing of schools of cosmetology.

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

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 ***1.*** If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ ***:***

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Any member or agent of the Board may*** ~~***[, with]***~~ ***:***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 3. ~~***[The]***~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ ***:***

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against ~~[a physician, perfusionist, physician assistant or practitioner of respiratory care]~~ ***any person who is within the jurisdiction of the Board or any other licensing board*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. ***If the Board determines that the person who is the subject of the complaint does not hold a license issued by the Board or any other licensing board, the Board shall determine whether the person who is the subject of the complaint has engaged in the practice of medicine, perfusion or respiratory care. If the Board determines that the person:***

(a) Has engaged in the practice of medicine, perfusion or respiratory care, the Board may proceed with any investigation of, or action or disciplinary proceeding against, the person; or

(b) Has not engaged in the practice of medicine, perfusion or respiratory care, the Board shall refer the complaint to the licensing board that the Board determines is appropriate to consider the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the

privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination

designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ ***The*** Board ~~[from communicating or cooperating with]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ ***person,*** including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~[A]~~

1. It is unlawful for any person ~~[who:]~~ ***to:***

~~[1. Presents]~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~[2. Gives]~~

(b) Give either false or forged evidence of any kind to the Board;

~~[3. Practices]~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by a specific statute, ~~[practices]~~ ***practice*** medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5. Holds]~~

(e) Hold himself or herself out as a perfusionist or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7. Holds]~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board ***.*** ~~[.~~

~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person

must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[, with]~~ :

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices homeopathic medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ***~~[Forward]~~ Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency***

any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 ***1.*** Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***Any member or agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 14. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a license or certificate under this chapter,]~~ ***initiating disciplinary action,*** investigate the actions of any person ~~[holding a certificate.]~~ ***who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ ***initiating disciplinary action,*** at least 10 days before the date set for the hearing, notify ***the accused person*** in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board **[**~~may~~**]** ***shall, to the extent feasible, communicate or cooperate with or*** provide any record or information described in subsection 1 to any other licensing board or **[**~~agency or~~**]** any ***other*** agency **[**~~which~~**]** ***that*** is investigating a person **, [**~~licensed pursuant to this chapter,~~**]** including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[, with]~~ :

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices

nursing or as a nursing assistant or medication aide - certified and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that nursing is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. **NRS 632.285 is hereby amended to read as follows:**

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. **NRS 632.291 is hereby amended to read as follows:**

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide - certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide - certified in this State unless the person is certified as a medication aide - certified pursuant to the provisions of this chapter.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide - certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide - certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide - certified provide to the Board the complete name of the licensee, nursing assistant or medication aide - certified. The employer shall

provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide - certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide - certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[~~Any~~]~~ ***It is unlawful for any*** person ~~[~~who:~~]~~ ***:***

(a) ~~[~~Practices~~]~~ ***To practice*** or ~~[~~offers~~]~~ ***offer*** to practice nursing in this State or ~~[~~uses~~]~~ ***use*** any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[~~Does~~]~~ ***Who does*** not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[~~who practices~~]~~ ***to practice*** or ~~[~~offers~~]~~ ***offer*** to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing **.** ~~[~~, ➥ is guilty of a misdemeanor.~~]~~

3. ***A person who violates any provision of subsection 2:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ ***and shall be punished as provided in NRS 193.130.***

4. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[~~4.~~]~~ ***5.*** ~~[~~The~~]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[~~of the Board~~]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. ~~[This section does not prevent or prohibit the]~~ ***The*** Board ~~[from communicating or cooperating with]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** another licensing board or any agency that is investigating a ~~[licensee,]~~ ***person,*** including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. ***Any member or agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that osteopathic medicine is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 26. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date

and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 ~~[A]~~

1. It is unlawful for any person ~~[who:~~

~~1.]~~ ***to:***

(a) Except as otherwise provided in NRS 629.091, ~~[practices:~~

~~(a)]~~ ***practice:***

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ ***(2)*** As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ ***(3)*** Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2. Presents]~~

(b) Present as his or her own the diploma, license or credentials of another;

~~[3. Gives]~~

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4. Files]~~

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5. Practices]~~

(e) Practice osteopathic medicine or ~~[practices]~~ ***practice*** as a physician assistant under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee of a like or different name;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[who uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~[7. Supervises]~~

(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter ***.*** ~~[.~~

~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may ~~[, with]~~ :

(a) Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices chiropractic or as a chiropractor's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter ~~[and inspect]~~ any ~~[chiropractic office]~~ ***other premises*** in this State ~~[at which]~~ ***where there is probable cause to believe that chiropractic is being practiced*** ~~[in order to enforce the provisions of this chapter.]~~ ***without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. ***A complaint may be filed***

anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed ***or who performs any act for which a license or certificate is required*** pursuant to the provisions of this chapter.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***Any member or agent of the Board may [, with] :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that Oriental medicine is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.

Sec. 36. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.***

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ ***person who practices*** Oriental medicine is filed with the Board, the Board shall review the complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 ***1.*** Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 42. ***Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 ***1.*** The Board may:

~~[1.]~~ ***(a)*** Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ ***(b)*** Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may ~~*[, with]*~~ ***:***

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that podiatry is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ ***(b)*** Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ ***(c)*** Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ ***(e)*** Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the

violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.***

Sec. 48. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.***

Sec. 49. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices optometry and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing optometry without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that optometry is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. ***A*** person shall ***not*** engage in the practice of optometry in this State unless:

~~[1.]~~ ***(a)*** The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ ***(b)*** Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing **.** ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ ***person*** against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[~~privately~~]~~ ***issue a private*** reprimand **.** ~~[~~a licensee.~~]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.3. **Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.

2. The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 60.7. **NRS 637.085 is hereby amended to read as follows:**

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without ~~[a]~~ the appropriate license issued pursuant to the provisions of this chapter.

Sec. 63. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

4. The Board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 ***1.*** A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ ***(a)*** Holds a license issued by the Board; or

~~[2.]~~ ***(b)*** Is exempted from the provisions of this chapter by NRS 637A.025.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 70. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 ***1.*** A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ ***issued pursuant to the provisions of*** this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to

believe that a person practices pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.

Sec. 77. *~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.*

Sec. 78. *Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 79. *In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:*

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must:

(a) Include a telephone number with which the person may contact the Board; and

(b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,
➥ and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3.*** Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ ***4.*** Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or

offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ ***5.*** Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. ***A person who violates the provisions of this subsection:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,
↪ and shall be punished as provided in NRS 193.130.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter ~~[,]~~ ***:***

(a) If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

(b) If substantial bodily harm results, is guilty of a category C felony,
↪ and shall be punished as provided in NRS 193.130.

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to

prescription only or by a registered pharmacist or under his or her direct and immediate supervision ~~[.]~~ ***:***

1. If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

2. If substantial bodily harm results, is guilty of a category C felony,

↪ and shall be punished as provided in NRS 193.130.

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[The]***~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may ~~[, with]~~ **:**

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter ~~[an office, clinic or hospital]~~ ***any other premises in this State*** where ***there is probable cause to believe that*** physical therapy is ***being*** practiced ***without the appropriate license issued pursuant to the provisions of this chapter*** and inspect it to determine ~~[if the]~~ ***whether any person at the premises is practicing*** physical ~~[therapists are licensed.]~~ ***therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.***

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and ***may*** be ~~[signed and verified by the person filing it.]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ ***:***

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ ***an administrative*** penalty of not more than $5,000 for each violation. Any ~~[civil]~~ ***administrative*** penalty collected pursuant to this ~~[subsection]~~ ***paragraph*** must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a) to (d), inclusive.

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91 **, 91.5** and 92 of this act.

Sec. 91. ***Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 91.5. ***A member or any agent of the Board may:***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 92. ***Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. ~~***[Forward]***~~ ***Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;***

3. Maintain a record of its proceedings;

~~[3.]~~ ***4.*** Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ ***5.*** Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ ***6.*** Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to

any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[~~3.~~]~~ A person who violates ~~[~~any provision~~]~~ ***the provisions*** of this ~~[~~section~~]~~ ***subsection*** is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97 **,** ~~[~~and~~]~~ 98 **and 98.5** of this act.

Sec. 97. ***Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct***

which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

Sec. 98. ***1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.***

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 98.5. <u>The Board shall take such action as it determines is reasonable to enable schools of cosmetology to receive money from the Federal Government for student financial assistance to the greatest extent practicable under federal law.</u>

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ ***officer or law enforcement agency each violation*** of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. (Deleted by amendment.)

Sec. 100.5. **NRS 644.380 is hereby amended to read as follows:**

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) ***Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.***

(e) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. ***If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:***

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

~~[5.]~~ ***6.*** After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. ***Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 105. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 106. *A member or any agent of the Board may* ~~*[, with]*~~ *:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the

Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. (Deleted by amendment.)

Sec. 110. 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, 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 ~~[.]~~ ***, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.***

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

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

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

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

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

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

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

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

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

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

Sec. 111. **1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this act shall be deemed to be admitted in compliance with the amendatory provisions of section 100.5 of this act.**

2. The State Board of Cosmetology shall, as soon as practicable after the effective date of section 100.5 of this act and at no cost to the school of cosmetology, issue to each school of cosmetology that meets the requirements of NRS 644.380, as amended by section 100.5 of this act a license that complies with the amendatory provisions of that section.

Sec. 112. **1. This section and sections 98.5, 100.5 and 111 of this act become effective upon passage and approval.**

2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110, inclusive, of this act become effective on October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 732.

AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence **;** ~~[or a lesser included offense;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a court to impose a fee of $500, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor **.** ~~[or a lesser included offense.]~~ If the fee of $500 is not within a defendant's present ability to pay, the justice or judge may ~~[impose]~~ **require** the equivalent community service to be performed. Under this bill, the money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs.

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

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

1. Except as otherwise provided in this section, if a defendant who is charged with a violation of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, that charge , ~~[or a lesser included offense, including, without limitation, a traffic violation, arising from the same traffic episode,]~~ the justice or judge shall include in the sentence, in addition to any other penalty or administrative assessment provided by law, a fee of $500 for the provision of specialty court programs and render a judgment against the defendant for the fee. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the fee required pursuant to this subsection.

2. If the fee pursuant to subsection 1:

(a) Is not within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, community service for a reasonable number of hours, the value of which would be commensurate with the fee.

(b) Is not entirely within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, a reduced fee and community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the fee.

3. The money collected for the specialty courts fee must not be deducted from any fine imposed by the justice or judge but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the specialty courts fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

4. A justice or judge shall, if requested by a defendant, allow a specialty courts fee to be paid in installments under terms established by the justice or judge.

5. Any payments made by a defendant must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of the specialty courts fee pursuant to this section; and

(e) To pay the fine.

6. The money collected for a specialty courts fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for a specialty courts fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for district attorney and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

9. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

~~***[(c) "Traffic violation" means conviction of a moving traffic violation in any municipal court or justice court in this State.]***~~

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the

administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the

center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the

court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 4. 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, re-engrossed and to third reading.

Senate Bill No. 228.

Bill read third time.

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

Amendment No. 780.

AN ACT relating to public servants; revising provisions relating to public officers and employees; ~~[revising provisions relating to statements of financial disclosure;]~~ revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to provisions relating to public officers and employees ~~[, ethics in government and the ethics laws. (Chapters 281 and]~~ **and the administration of the Nevada Ethics in Government Law by the Commission on Ethics. (Chapter** 281A of NRS)

~~[Existing law requires certain candidates for public office and certain public officers to file annual statements of financial disclosure with the Secretary of State. (NRS 281.558-281.581) Sections 2-9 of this bill define certain terms relating to the statements of financial disclosure.~~

~~Sections 11-13, 42 and 49-55 of this bill revise provisions prohibiting public officers and employees from being interested in or benefiting from governmental contracts and clarify certain procedures for voiding governmental contracts or other actions which violate ethics laws.]~~

Sections 18-24 ~~[and 30-32]~~ **, 30 and 31** of this bill enact and revise various definitions in the ~~[Nevada]~~ Ethics ~~[in Government]~~ Law. **Section 19** revises and makes applicable throughout the Ethics Law the existing definition of "commitment in a private capacity to the interests of others" in NRS 281A.420.

Section 23 defines "pecuniary interest ~~[,"]~~ **" for the Ethics Law,** and **sections** ~~[40 and 42]~~ **40.3 and 41** of this bill require proof of a significant **personal or** pecuniary interest in defining various types of ~~[unethical conduct.]~~ **ethical conflicts, so that a de minimis or insignificant personal**

or pecuniary interest does not create a conflict of interest, require disqualification or abstention, or provide just or sufficient cause for an ethics investigation or violation. (NRS 281A.400, 281A.420)

Section 25 of this bill enacts provisions for computing periods **of time** prescribed or allowed under the Ethics Law. ~~[Sections 26 and 40 of this bill move and revise certain existing provisions from NRS 281A.410 requiring certain public officers to file disclosures if they have represented or counseled a private person for compensation before certain agencies.]~~ **Section 27** of this bill authorizes the Commission ~~[on Ethics]~~ to apply for and accept grants, contributions, services and money for the purposes of carrying out the Ethics Law.

Section 27.3 of this bill requires the Commission, when disposing of a request for an opinion by stipulation, agreed settlement or consent order, to treat comparable situations in a comparable manner and ensure that the disposition of a request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation of the Ethics Law. Section 27.5 of this bill requires the Commission to consider various aggravating and mitigating factors when determining the amount of any civil penalty imposed for a willful violation of the Ethics Law.

Sections 33-37 of this bill make various changes concerning the **operation of the** Commission ~~[on Ethics]~~ and the duties of the Executive Director of the Commission and the Commission Counsel. Those changes include: (1) adjusting the eligibility requirements for certain members of the Commission; (2) requiring the Chair of the Commission to designate a qualified person to perform the duties of the Executive Director if the Executive Director is disqualified or unable to act on a particular matter; **and** (3) revising the administration of the assessments paid by cities and counties in semiannual installments to the Commission**.** ~~[; and (4) expanding the Commission's authority to adopt regulations to carry out the Ethics Law.]~~ **(NRS 281A.200, 281A.240, 281A.260, 281A.270, 281A.290)**

Section 38 of this bill directs public officers and employees who request the issuance of a subpoena on their behalf in ethics proceedings to serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure and to pay the costs of such service. **(NRS 281A.300)**

Sections ~~[39]~~ ***40.3*-44** of this bill make various changes to provisions in the Ethics Law, including provisions relating to conflicts of interests for public officers and employees, disclosures and abstentions, the rendering of opinions and conduct of investigations by the Commission ~~[on Ethics]~~ and the duties of specialized and local ethics committees. **(NRS 281A.400, 281A.410, 281A.420, 281A.440, 281A.470)**

~~[Section 39 revises provisions proscribing various types of unethical conduct.~~

~~ Section 40 revises restrictions on various public officers and employees representing or counseling private persons for compensation before certain agencies, and moves and revises the existing "cooling-off" provisions from NRS 281A.550 prohibiting various public officers and employees from accepting compensation from certain persons or entities for a specified period after leaving public service.]~~

Section 45 of this bill revises the "safe harbor" provision of the Ethics Law to provide that a public officer or employee does not commit a willful violation if the public officer or employee: (1) relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and (2) his or her action was not contrary to a prior published opinion issued by the Commission. (NRS 281A.480)

Section 46 of this bill provides new requirements relating to informing, educating and instructing public officers and employees concerning the statutory ethical standards and the duties of public officers and employees under the Ethics Law. **(NRS 281A.500)**

~~[Section 48 of this bill authorizes the Commission on Ethics to request the drafting of 2 legislative measures for each regular session of the Legislature.]~~

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

Section 1. ~~[Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in NRS 281.558 to 281.581, inclusive, and sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Business entity" means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Domestic partner" means a person in a domestic partnership.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Domestic partnership" means:*~~

~~*1. A domestic partnership as defined in NRS 122A.040; or*~~

~~*2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a*~~

~~*domestic partnership or is registered in this State.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[“Household” means an association of persons who live in the same home or dwelling.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[“Intentionally” means voluntarily or deliberatively, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[“Knowingly” imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[“Member of the candidate’s or public officer’s household” means:*~~

~~*1. The spouse or domestic partner of the candidate or public officer;*~~

~~*2. A person who lives in the household of the candidate or public officer;*~~

~~*3. A person who does not live in the household of the candidate or public officer, but who is dependent on and receiving substantial support from the candidate or public officer; or*~~

~~*4. A person who lives in the household of the candidate or public officer for 6 months or more in the year immediately preceding the year in which the candidate or public officer files a statement of financial disclosure.]*~~ **(Deleted by amendment.)**

Sec. 10. (Deleted by amendment.)

Sec. 11. ~~*[1. In addition to any other penalty provided by law, any governmental grant, contract or lease made or other governmental action taken by a public officer or employee in violation of this chapter or chapter 281A of NRS is voidable by the State, county, city or political subdivision.*~~

~~*2. The Attorney General, district attorney or city attorney shall give notice of the intent to void a governmental grant, contract or lease or other governmental action pursuant to this section not later than 30 days after adjudication of the violation.*~~

~~*3. In determining whether to void a governmental grant, contract or lease or other governmental action pursuant to this section, the interests of innocent third parties who could be damaged must be taken into account.*~~

~~*4. In addition to any other penalty provided by law, the Attorney General, district attorney or city attorney may:*~~

~~*(a) Pursue any other available legal or equitable remedies as a result of a violation of this chapter or chapter 281A of NRS by a public officer or employee; and*~~

~~*(b) Recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter or chapter 281A of NRS by a public officer or employee. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.*~~

~~*5. As used in this section, "political subdivision" means any county, city or other local government as defined in NRS 354.474.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 281.221 is hereby amended to read as follows:~~

~~281.221 1. Except as otherwise provided in this section [,] *and NRS 281A.430,* it is unlawful for [any] *a* state officer who is not a member of the Legislature to:~~

~~(a) Become a contractor under any contract or order for supplies or other kind of contract authorized by or for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so authorized.~~

~~(b) Be interested in any contract made by the officer or to be a purchaser or interested in any purchase under a sale made by the officer in the discharge of the officer's official duties.~~

~~2. [Any] *A* member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may supply or contract to supply, in the ordinary course of the member's business, goods, materials or services to any state or local agency, except the board , [or] commission *or body* of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~

~~3. A full or part time faculty member in the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. A state officer, other than an officer described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the officer has not taken part in developing the contract plans or specifications and the officer will not be personally involved in opening, considering or accepting offers.~~

~~5. [Any] *In addition to any other penalty provided by law, any governmental* contract made *or other governmental action taken* in violation of this section may be declared void [at the instance of the State or~~

~~of any other person interested in the contract except an officer prohibited from making or being interested in the contract.~~

~~6. Any person violating~~ **] *pursuant to section 11 of this act.***

~~*6. A person who violates* this section is guilty of a gross misdemeanor and shall forfeit his or her office.~~ **] (Deleted by amendment.)**

Sec. 13. ~~[NRS 281.230 is hereby amended to read as follows:~~

~~281.230 1. Except as otherwise provided in this section and NRS 218A.970,~~ **[**~~281A.530~~**] *281A.430*** ~~and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way directly interested or affected:~~

~~(a) State, county, municipal, district and township officers of the State of Nevada;~~

~~(b) Deputies and employees of state, county, municipal, district and township officers; and~~

~~(c) Officers and employees of quasi-municipal corporations.~~

~~2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board~~ **, [**~~or~~**]** ~~commission~~ ***or body*** ~~of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~

~~3. A full or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the public officer or employee has not taken part in developing the contract plans or specifications and the public officer or employee will not be personally involved in opening, considering or accepting offers. If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose his or~~

~~her interest in the contract and shall not vote on or advocate the approval of the contract.~~

~~5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:~~

~~(a) Where the commission, personal profit or compensation is $650 or more, for a category D felony as provided in NRS 193.130.~~

~~(b) Where the commission, personal profit or compensation is less than $650, for a misdemeanor.~~

~~6. *In addition to any other penalty provided by law:*~~

~~*(a)* A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.~~

~~*(b) Any governmental contract made or other governmental action taken in violation of this section may be declared void pursuant to section 11 of this act.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 281.558 is hereby amended to read as follows:~~

~~281.558~~ ~~[As used in NRS 281.558 to 281.581, inclusive, "candidate"]~~ ~~*"Candidate"* means any person:~~

~~1. Who files a declaration of candidacy;~~

~~2. Who files an acceptance of candidacy; or~~

~~3. Whose name appears on an official ballot at any election.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 281.571 is hereby amended to read as follows:~~

~~281.571 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such electronic form as the Secretary of State otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.~~

~~(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;~~

~~(2) Whose fair market value is $2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer *by blood, adoption, marriage or domestic partnership* within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.~~

~~2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~[3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 281.573 is hereby amended to read as follows:~~

~~281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS [281.558 to 281.572, inclusive,] *281.559 and 281.561* must be retained by the Secretary of State for 6 years after the date of filing.~~

~~2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.]~~ **(Deleted by amendment.)**

Sec. 17. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to ~~[27,]~~ **27.5,** inclusive, of this act.

Sec. 18. ***"Agency" means any state agency or local agency.***

Sec. 19. ***"Commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:***

1. Who is the spouse or domestic partner of the public officer or employee;

2. Who is a member of the household of the public officer or employee;

3. Who is related to the public officer or employee, or to the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. Who employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. With whom the public officer or employee has a substantial and continuing business relationship; or

6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 20. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 21. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 22. ***"Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.***

Sec. 23. *"Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:*

1. Anything of economic value; and

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

Sec. 24. *"State agency" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government.*

Sec. 25. *In computing any period prescribed or allowed by this chapter:*

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the office of the Commission is not open for the conduct of business, the period is extended to the close of business on the next business day.

Sec. 26. ~~[*1. Not later than January 15 of each year, a State Legislator or public officer who has, within the preceding calendar year, represented or counseled a private person for compensation before an agency shall disclose for each occurrence of such representation or counseling during the preceding calendar year:*~~

~~*(a) The name of the private person;*~~

~~*(b) The nature of the representation or counseling; and*~~

~~*(c) The name of the agency.*~~

~~*2. The disclosure required pursuant to subsection 1 must be made in writing and timely filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is:*~~

~~*(a) Delivered in person to the principal office of the Commission in Carson City.*~~

~~*(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.*~~

~~*(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.*~~

~~*(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile*~~

~~*machine or other electronic means is complete upon receipt of the transmission by the Commission.*~~

~~*3. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.]*~~ **(Deleted by amendment.)**

Sec. 27. ***The Commission may apply for and accept grants, contributions, services or money for the purposes of carrying out the provisions of this chapter only if the action is approved by a majority vote in an open public meeting of the Commission*** ~~*[.]*~~ ***and the Commission complies with the provisions of the State Budget Act.***

Sec. 27.3. In any matter in which the Commission disposes of a request for an opinion by stipulation, agreed settlement or consent order, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 27.5. In determining the amount of any civil penalty to be imposed on a public officer or employee pursuant to NRS 281A.480, the Commission shall consider:

1. The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

2. The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

3. The cost to the Commission to conduct the investigation and any hearing relating to the violation;

4. Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to rectify the violation before any complaint is filed and any cooperation by the public officer or employee or former public officer or employee in resolving the complaint;

5. Any restitution or reimbursement paid to parties affected by the violation;

6. The extent of any financial gain resulting from the violation; and

7. Any other matter justice may require.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.040 to 281A.170, inclusive, ***and sections 18 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 30. NRS 281A.100 is hereby amended to read as follows:

281A.100 "Household" means an association of persons who live in the same home or dwelling ~~*[,]*~~ ~~[, sharing its expenses,]~~ and who are related by blood, adoption **,** ~~[or]~~ marriage ~~*[,]*~~ ***or domestic partnership.***

Sec. 31. NRS 281A.125 is hereby amended to read as follows:

281A.125 "Member of a local legislative body" means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy **.** ~~[and which is not typically restricted to identifiable persons or groups.]~~

Sec. 32. ~~[NRS 281A.160 is hereby amended to read as follows:~~

~~281A.160 1. "Public officer" means a person elected or appointed to a position which:~~

~~(a) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and~~

~~(b) Involves the exercise of a public power, trust or duty. [As used in this section, "the]~~

~~*2. For the purposes of subsection 1:*~~

~~*(a) A position is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision if the position is established or created directly by the source of authority or if the source of authority authorizes a public body or officer to establish or create the position.*~~

~~*(b) "The* exercise of a public power, trust or duty" means:~~

~~(1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;~~

~~(2) The expenditure of public money; and~~

~~(3) The administration of laws and rules of the State or any county, city or other political subdivision.~~

~~[2.]~~ ~~*3. "Public officer" includes, without limitation, a person appointed, contracted with or otherwise employed, with or without compensation, to perform the duties of a position which is a public office or to serve in such a position on a temporary, interim or acting basis.*~~

~~*4.* "Public officer" does not include:~~

~~(a) Any justice, judge or other officer of the court system;~~

~~(b) Any member of a board, commission or other body whose function is advisory;~~

~~(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or~~

~~(d) A county health officer appointed pursuant to NRS 439.290.~~

~~[~~3.~~]~~ ***5.*** "Public office" does not include an office held by:

~~(a) Any justice, judge or other officer of the court system;~~

~~(b) Any member of a board, commission or other body whose function is advisory;~~

~~(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or~~

~~(d) A county health officer appointed pursuant to NRS 439.290.~~**]** **(Deleted by amendment.)**

Sec. 33. NRS 281A.200 is hereby amended to read as follows:

281A.200 1. The Commission on Ethics, consisting of eight members, is hereby created.

2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom **[**~~are~~**]** ***must be*** former public officers **[**~~,~~**]** ***or employees,*** and at least one of whom must be an attorney licensed to practice law in this State.

3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or **[**~~public~~**]** employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. Not more than four members of the Commission may be members of the same political party. ***[The provisions of NRS 281.057 do not apply to this subsection.***

5.] Not more than four members ***of the Commission*** may be residents of the same county.

5. ***[6.]*** None of the members of the Commission may, while the member is serving on the Commission:

(a) Hold another public office;

(b) Be actively involved in the work of any political party or political campaign; or

(c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

6. ~~[7.]~~ After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

Sec. 34. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the

Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 35. NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct **. [**~~within the time set forth in subsection 6 of NRS 281A.440.~~**]** The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

Sec. 36. NRS 281A.270 is hereby amended to read as follows:

281A.270 1. Each county whose population is 10,000 or more and each city whose population is 15,000 or more and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to this chapter. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out the provisions of this chapter and only to the extent authorized for expenditure by the Legislature; ~~[and]~~

(c) Does not revert to the State General Fund at the end of any fiscal year ~~[.]~~ ***; and***

(d) Does not revert to a city or county if:

(1) The actual expenditures by the Commission are less than the amount of the assessments approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period; or

(2) The budget of the Commission is modified after the amount of the assessments has been approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, the Executive Director shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 37. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission ~~[.]~~ ***.***

~~***[(e) Specifying the information sufficient to satisfy the disclosure requirements of subsection 1 of NRS 281A.420; and***~~

~~***(f) Which are proper and necessary to carry out the provisions of this chapter.]***~~

2. ~~*[Define by regulation the term "gift" for the purposes of this chapter.*~~

~~*=3.]*~~ Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. ~~*[4.]*~~ Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~*[5.]*~~ Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. ~~*[6.]*~~ Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. ~~*[7.]*~~ Publish a manual for the use of public officers and employees that ~~[~~contains:

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of~~] ***explains*** the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the ~~[abstracts and]~~ published opinions of the Commission.

Sec. 38. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of the Executive Director or the public officer or ~~[public]~~ employee who is the subject of a request for an opinion, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of books and papers. ***A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.***

3. Before issuing a subpoena to a public officer or ~~[public]~~ employee who is the subject of a request for an opinion ~~[,]~~ ***to compel his or her attendance as a witness or his or her production of books or papers,*** the Executive Director shall submit a written request to the public officer or ~~[public]~~ employee requesting:

(a) The appearance of the public officer or ~~[public]~~ employee as a witness; or

(b) The production by the public officer or ~~[public]~~ employee of any books and papers relating to the request for an opinion.

4. Each written request submitted by the Executive Director pursuant to subsection 3 must specify the time and place for the attendance of the public officer or ~~[public]~~ employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or ~~[public]~~ employee fails or refuses to attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the request, the Chair may issue the subpoena. Failure of the public officer or ~~[public]~~ employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or ~~[public]~~ employee of the time set forth in subsections 4, 5 and 6 of NRS 281A.440.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chair of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to the witness, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced the books or papers before the Commission. A certified copy of the order must be served upon the witness.

7. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission, at the time and place fixed in the order, and testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 39. ~~[NRS 281A.400 is hereby amended to read as follows:~~

~~— 281A.400 — A code of ethical standards is hereby established to govern the conduct of public officers and employees:~~

~~1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend [improperly] to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.~~

~~2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for [the] :~~

~~*(a) The* public officer or employee [, any] ;~~

~~*(b) Any* business entity in which the public officer or employee has a significant pecuniary interest [, or any] ; *or*~~

~~*(c) Any* person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. [As used in this subsection:~~

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted" means without justification or adequate reason.]~~

~~3. A public officer or employee shall not participate as an agent of government in the negotiation , [or] execution *or approval* of a contract between the government and [any] :~~

~~*(a) The public officer or employee;*~~

~~*(b) Any* business entity in which the public officer or employee has a significant pecuniary interest [.] ; *or*~~

~~*(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.*~~

~~4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's *public* duties . [as a public officer or employee.]~~

~~5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further [the] *a significant* pecuniary [interests of the] *interest of:*~~

~~*(a) The* public officer or employee ; or [any]~~

~~*(b) Any* other person or business entity.~~

~~6. A public officer or employee shall not suppress any governmental report or other *official* document because it might tend to affect unfavorably [the public officer's or employee's] *a significant* pecuniary [interests.] *interest of:*~~

~~*(a) The public officer or employee;*~~

~~***(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or***~~

~~***(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.***~~

~~7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit **[**the public officer's or employee's**]** ***a significant*** personal or **[**financial**]** ***pecuniary*** interest **[**.**]** ***of the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.*** This subsection does not prohibit:~~

~~(a) A limited use of governmental property, equipment or other facility for personal purposes if:~~

~~(1) The public officer ***or employee*** who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;~~

~~(2) The use does not interfere with the performance of the public officer's or employee's public duties;~~

~~(3) The cost or value related to the use is nominal; and~~

~~(4) The use does not create the appearance of impropriety;~~

~~(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~(c) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~***** If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.~~

~~8. A State Legislator shall not:~~

~~(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:~~

~~(1) A limited use of state property and resources for personal purposes if:~~

~~(I) The use does not interfere with the performance of the State Legislator's public duties;~~

~~(II) The cost or value related to the use is nominal; and~~

~~(III) The use does not create the appearance of impropriety;~~

~~(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~(3) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:~~

~~(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or~~

~~(2) Where such service has otherwise been established as legislative policy.~~

~~9. A public officer or employee shall not~~ ***, through the influence of a subordinate,*** ~~attempt to benefit~~ **[**~~the public officer's or employee's~~**]** ***a significant*** ~~personal or~~ **[**~~financial~~**]** ***pecuniary*** ~~interest~~ **[**~~through the influence~~**]** ~~of~~ **[**~~a subordinate.~~

~~10. A~~**]** ***:***

~~***(a) The public officer or employee;***~~

~~***(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or***~~

~~***(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.***~~

~~***10. Except as otherwise provided in this subsection, a*** public officer or employee shall not ***use the public officer's or employee's position in government to*** seek other employment or contracts **[**~~through the use of the public officer's or employee's official position.~~**]** ***for:***

~~***(a) The public officer or employee;***~~

~~***(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or***~~

~~***(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.***~~

~~***" A public officer or employee may state or affirm that he or she holds a position as a public officer or employee and may describe or discuss his or her functions, duties and experiences as a public officer or employee, including, without limitation, providing such information on a resume or other application for future employment or appointment or election to a public office.***~~

~~***11. A public officer or employee shall not concurrently serve as a public officer or employee and hold a separate public office in which he or she exercises controlling influence over his or her employer or supervisor or the operation and activities of the agency by which he or she is employed.]*** **(Deleted by amendment.)**

Sec. 40. ~~[NRS 281A.410 is hereby amended to read as follows:~~

~~281A.410 [In addition to the requirements of the code of ethical standards:]~~

~~1. [If] *Except as otherwise provided in this section,* a public officer or employee [serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:~~

~~(a) Shall] *shall* not [accept] *:~~

~~*(a) Accept additional* compensation [from any private person] to represent or counsel [the] *a* private person on any issue pending before *the Legislature or any agency, including* the agency in which that public officer or employee serves *;* [, if the agency makes decisions;] and~~

~~(b) If the public officer or employee leaves the service of [the] *an* agency, [shall not,] for 1 year after [leaving the service of the agency, represent or counsel for] *the termination of his or her service, accept* compensation *to represent or counsel* a private person [upon] *on* any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.~~

~~2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve [. Any other] *, except that a member of a local legislative body* [public officer or employee] shall not represent or counsel a private person for compensation before any [state agency of the Executive or Legislative Department.~~

~~3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department shall disclose for each such representation or counseling during the previous calendar year:~~

~~(a) The name of the client;~~

~~(b) The nature of the representation; and~~

~~(c) The name of the state agency.~~

~~4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

~~(a) Delivered in person to the principal office of the Commission in Carson City.~~

~~(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~

~~(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.~~

~~5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed.~~**] *local agency in the county in which he or she serves.***

3. A former member of the Public Utilities Commission of Nevada shall not:

(a) Accept any compensation from a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↳ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

4. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Accept any compensation from a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS,

↳ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

5. In addition to the other prohibitions set forth in this section, and except as otherwise provided in subsection 6, a former public officer or employee of an agency, except a clerical employee, shall not solicit or accept compensation from a person or entity whose activities are governed by, or which is a part of a business or industry whose activities are governed by, regulations or local ordinances adopted by the agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) During the immediately preceding year, the former public officer's or employee's principal duties included the formulation of policy contained in the regulations or local ordinances governing that business or industry;

~~(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the person or entity which is a part of that business or industry; or~~

~~(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct competitor in that business or industry.~~

~~6. The provisions of subsection 5 do not apply to a former public officer who was a member of:~~

~~(a) The governing body of a state agency or an advisory body thereto if:~~

~~(1) The governing body or the advisory body thereto performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy; or~~

~~(2) The former public officer:~~

~~(I) Is engaged in the profession, occupation or business regulated by the state agency;~~

~~(II) Holds a license issued by the state agency; and~~

~~(III) Is required to hold a license issued by the state agency as a requirement for membership on the governing body of the state agency.~~

~~(b) A local legislative body or an advisory body thereto.~~

~~7. In addition to the other prohibitions set forth in this section, a former public officer or employee of an agency, except a clerical employee, shall not solicit or accept compensation from a person to whom a contract for supplies, materials, equipment or services was awarded by the agency for 1 year after the termination of the public officer's or employee's service or period of employment, if:~~

~~(a) The amount of the contract exceeded $25,000;~~

~~(b) The contract was awarded within the 12-month period immediately preceding the termination of the public officer's or employee's service or period of employment; and~~

~~(c) The position held by the former public officer or employee at the time the contract was awarded allowed for the former public officer or employee to affect or influence the awarding of the contract.~~

~~8. The Commission may relieve a current or former public officer or employee from the strict application of the provisions of this section if:~~

~~(a) The current or former public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and~~

~~(b) The Commission determines that such relief is not contrary to:~~

~~(1) The best interests of the public;~~

~~(2) The continued ethical integrity of the agency; and~~

~~*(3) The provisions of this chapter.*~~

~~*9. As used in this section:*~~

~~*(a) "Local ordinance" means any ordinance, code or other governing law adopted by a local agency.*~~

~~*(b) "Regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by an agency that is not subject to the requirements of chapter 233B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 40.3. **NRS 281A.400 is hereby amended to read as follows:**

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. As used in this subsection ~~[~~:

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted"]~~ **, *"unwarranted"*** means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any business entity in which the public officer or employee has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further ~~[the]~~ ***a significant*** pecuniary ~~[interests]~~ ***interest*** of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other ***official*** document because it might tend to affect unfavorably ~~[the public officer's or employee's]~~ ***a significant*** pecuniary ~~[interests.]~~ ***interest of the public officer or employee.***

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ~~[.]~~ ***of the public officer or employee.*** This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer ***or employee*** who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ***of the public officer or employee*** through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of the public officer's or employee's official position.

Sec. 40.5. **NRS 281A.410 is hereby amended to read as follows:**

281A.410 In addition to the requirements of the code of ethical standards:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve. Any other public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive

Department shall disclose for each such representation or counseling during the previous calendar year:

(a) The name of the client;

(b) The nature of the representation; and

(c) The name of the state agency.

4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed.

Sec. 41. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a ***significant*** pecuniary interest; or

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the ~~[~~interest of others,~~]~~ ***interests of another person,***

➥ without disclosing ~~[~~sufficient~~]~~ information concerning the gift ~~[~~,~~]~~ ***or*** loan, ***significant pecuniary*** interest or commitment ***in a private capacity to the interests of the person that is sufficient*** to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's ***significant*** pecuniary interest, or upon the ~~[~~persons~~]~~ ***person*** to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the

time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's ***significant*** pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's ***acceptance of a gift or loan, significant*** pecuniary interest or ~~[~~the public officer's~~]~~ commitment in a private capacity to the interests of ~~[~~others~~]~~ ***another person*** where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of ~~[~~others,~~]~~ ***another person,*** accruing to the other ~~[~~persons,~~]~~ ***person,*** is not greater than that accruing to any other member of ~~[~~the~~]~~ ***any*** general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the ***acceptance of a gift or loan, significant*** pecuniary interest or commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors ~~[~~:~~]~~

~~*(1) Favors]*~~ the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's acceptance of a gift or loan, ~~[the public officer's]~~ ***significant*** pecuniary interest or ~~[the public officer's]~~ commitment in a private capacity to the interests of ~~[others]~~ ***another person*** in the manner required by subsection 1 . Because ~~*[; and*~~

~~*(2) Acknowledges that]*~~ abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs , the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, ~~[the public officer's]~~ ***significant*** pecuniary interest or ~~[the public officer's]~~ commitment in a private capacity to the interests of ~~[others.]~~ ***another person.***

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section ~~[:~~

~~(a) "Commitment in a private capacity to the interests of others" means a commitment to a person:~~

~~(1) Who is a member of the public officer's or employee's household;~~

~~(2) Who is related to the public officer or employee by blood, adoption or marriage within the third degree of consanguinity or affinity;~~

~~(3) Who employs the public officer or employee or a member of the public officer's or employee's household;~~

~~(4) With whom the public officer or employee has a substantial and continuing business relationship; or~~

~~(5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph.~~

~~(b) "Public~~**]** ***, "public*** officer" and "public employee" do not include a State Legislator.

Sec. 42. ~~**[**NRS 281A.430 is hereby amended to read as follows:~~

~~281A.430 1.~~ **[**Except**]** ***Notwithstanding the provisions of NRS 281.221 and 281.230, and except*** ~~as otherwise provided in this section and~~ NRS **[**~~281A.530~~**]** ***218A.970*** ~~and 332.800,~~ a public officer or employee shall not ***, directly or through a third party, perform any contract,*** ~~bid on or enter into~~ **[**~~a~~**]** ***any contract or modify or renew any contract if:***

~~***(a) The*** contract ***is*** between **[**~~a governmental~~**]** ***the*** agency ***in which the public officer or employee serves*** and **[**~~any~~**]** ***:***

~~***(1) The public officer or employee; or***~~

~~***(2) Any*** business entity in which the public officer or employee has a significant pecuniary interest **[**~~.~~**]** ***; or***

~~***(b) The contract is between an agency that has any connection, relation or affiliation with the agency in which the public officer or employee serves and:***~~

~~***(1) The public officer or employee; or***~~

~~***(2) Any business entity in which the public officer or employee has a significant pecuniary interest,***~~

" if the duties or services to be performed or provided for the agency pursuant to the contract are the same or similar duties performed by the public officer or employee for the agency in which he or she serves.

~~2. A **[**member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~**]** ***public officer or employee may perform a contract, bid on or enter into a contract or modify or renew a contract with an agency in which the public officer or employee serves, or a related agency as described in paragraph (b) of subsection 1, if:***

~~*(a) The contract is subject to competitive selection and, at the time the contract is bid on, entered into, modified or renewed:*~~

~~*(1) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not used as a result of the applicability of NRS 332.112 or 332.148;*~~

~~*(2) The sources of supply are limited and no other person expresses an interest in the contract;*~~

~~*(3) The public officer or employee has not taken part in developing the contract plans or specifications; and*~~

~~*(4) The public officer or employee is not personally involved in opening, considering or accepting offers.*~~

~~*(b) The contract, by its nature, is not adapted to be awarded by competitive selection and, at the time the contract is bid on, entered into, modified or renewed:*~~

~~*(1) The public officer or employee has not taken part in developing the contract plans or specifications and is not personally involved in opening, considering, or accepting offers; and*~~

~~*(2) The contract:*~~

~~*(I) HHas been approved by the agency through the application of internal procedures in which a public officer or employee may obtain approval to engage in such contracts; or*~~

~~*(II) Is not exclusive to the public officer or employee and is the type of contract that is available to all persons with the requisite qualifications.*~~

~~3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may *perform a contract,* bid on or enter into a contract *or modify or renew a contract* with [a governmental] *an* agency, or may benefit financially or otherwise from a contract between [a governmental] *an* agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. [A public officer or employee, other than a public officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if:~~

~~(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;~~

~~(b) The sources of supply are limited;~~

~~(c) The public officer or employee has not taken part in developing the contract plans or specifications; and~~

~~(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.~~

~~**]** If a public officer who is authorized to ***perform a contract,*** bid on or enter into a contract ***or modify or renew a contract*** with **[**a governmental**]** ***an*** agency pursuant to this **[**subsection**]** ***section*** is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.~~

~~***5. A public officer who is a member of the governing body of any county, city or other political subdivision shall not sell goods or services to the county, city or other political subdivision unless:***~~

~~***(a) The public officer, or an entity in which the public officer has a significant pecuniary interest, offers the sole source of supply of the goods or services within the area served by the governing body; and***~~

~~***(b) The governing body:***~~

~~***(1) Issues a public notice of the meeting which specifically mentions that such a purchase of goods or services will be considered; and***~~

~~***(2) Approves the purchase in accordance with the applicable provisions of law.***~~

~~***6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:***~~

~~***(a) The public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and***~~

~~***(b) The Commission determines that such relief is not contrary to:***~~

~~***(1) The best interests of the public;***~~

~~***(2) The continued ethical integrity of the agency; and***~~

~~***(3) The provisions of this chapter.***~~

~~***7. As used in this section, "contract, by its nature, is not adapted to be awarded by competitive selection" includes, without limitation:***~~

~~***(a) A contract for services which may only be contracted from a sole or limited source;***~~

~~***(b) A contract for professional services, including, without limitation, a contract for the services of:***~~

~~***(1) An expert witness;***~~

~~***(2) A professional engineer;***~~

~~***(3) A registered architect;***~~

~~***(4) An attorney;***~~

~~***(5) An accountant; or***~~

~~***(6) Any other professional, if the services of that professional are not adapted to competitive selection;***~~

~~***(c) A contract for services necessitated by an emergency affecting the national, state or local defense or an emergency caused by a natural or human-caused disaster or any other unforeseeable circumstances; or***~~

~~*— (d) Any other contract which is open or available to the public at large.]*~~ **(Deleted by amendment.)**

Sec. 43. NRS 281A.440 is hereby amended to read as follows:

281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as ~~[an]~~ ***a public*** officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the

public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a ***written*** recommendation relating to just and sufficient cause ***, including, without limitation, the specific evidence or reasons that support the recommendation,*** to the investigatory panel within 70 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. ~~[If, after the investigation, the Executive Director determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific evidence that supports the Executive Director's recommendation. If, after the investigation, the Executive Director determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific reasons for the Executive Director's recommendation.]~~

5. Within 15 days after the Executive Director has provided the ~~[Executive Director's]~~ ***written*** recommendation in the matter to the investigatory panel ~~[,]~~ ***pursuant to subsection 4,*** the investigatory panel shall ***conclude the investigation and*** make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept ***.*** ~~[, and such a record must remain confidential until the investigatory panel determines whether there is~~

~~just and sufficient cause for the Commission to render an opinion in the matter.~~]

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in [~~this~~] subsection [~~, each document~~] ***9, all information, communications, records, documents or other material*** in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, [~~the Commission's copy of the request and all materials and information gathered in an investigation of the request, is~~] ***the record of the proceedings of the investigatory panel made pursuant to subsection 5, are*** confidential ***and not public records pursuant to chapter 239 of NRS*** until [~~the~~] ***:***

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter [~~. The~~] ***and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or***

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 [~~may in writing authorize~~] ***authorizes*** the Commission ***in writing*** to make its [~~files, material and~~] information ***, communications, records, documents or other material*** which are related to the request publicly available [~~.~~] ***,***

➥ whichever occurs first.

9. Except as otherwise provided in [~~paragraphs (a) and (b), the proceedings of the investigatory panel are~~] ***this section, the investigative file***

of the Commission is confidential ***.*** ~~[until]~~ ***At any time after being served with written notice of the determination of*** the investigatory panel ~~[determines whether there is]~~ ***regarding the existence of*** just and sufficient cause ***for the Commission*** to render an opinion in the matter ~~[. A person who:~~

~~(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:~~

~~(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that the person filed with the Commission or the substance of testimony, if any, that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person requested an opinion from the Commission.~~

~~(b) Gives testimony before the Commission may:~~

~~(1) At any time, reveal to a third party the substance of testimony that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person gave testimony before the Commission.]~~ ***, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.***

10. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

11. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and

appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

12. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➥ the Commission may decline to render an opinion.

13. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

14. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

15. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

16. For the purposes of this section, the investigative file of the Commission which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information obtained by the Commission through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Sec. 44. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any ~~[department, board, commission or other]~~ ***state*** agency ~~[of the State]~~ or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the

committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. ***The Secretary of State shall not approve the form unless the form contains all the information required to be included in a statement of financial disclosure pursuant to NRS 281.571.***

2. ***The Secretary of State is not responsible for the costs of producing or distributing a form for filing a statement of financial disclosure pursuant to the provisions of subsection 1.***

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~[3.]~~ ***4.*** Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 45. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law ~~[,]~~ ***and in accordance with the provisions of section 27.5 of this act,*** the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, the Commission may ***, upon its own motion or upon the motion of the person about whom an opinion was requested pursuant to NRS 281A.440,*** impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has

resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. An action taken by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of a provision of ~~[those sections]~~ ***this chapter*** if the public officer or employee establishes by sufficient evidence that the public officer or employee satisfied all of the following requirements:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by ~~[the]~~ ***his or her*** public body ~~*[on which the public officer]* [represents]~~ ~~*[serves* or by the]~~ ***, agency or*** employer ~~*;* [of the public employee]~~ ~~[or upon the manual published by the Commission pursuant to NRS 281A.290;~~

~~(b) The public officer or employee was unable, through no fault of the public officer or employee, to obtain an opinion from the Commission before the action was taken;]~~ and

~~[(c)]~~ ***(b)*** The public officer or employee took action that was not contrary to a prior published opinion issued by the Commission.

6. In addition to any other penalties provided by law, a public employee who commits a willful violation of this chapter is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 46. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. ***On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:***

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the ~~[Chief of the Budget Division]~~ Director of the Department of Administration ~~[.]~~ , or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The ~~[Administrator of the Division of Human Resource Management]~~ Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. ~~[Within 6 months after the date on which a public officer swears or affirms the oath of office or a public employee of a state agency begins employment, the public officer or employee shall complete a course on the statutory ethical standards conducted by the Executive Director pursuant to NRS 281A.240 or by a designee of the Executive Director.~~

~~4.]~~ Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

~~[~~2.**~~]~~** ***~~[5.]~~*** ***4.*** The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer **~~[~~**takes**~~]~~** ***swears or affirms the oath of*** office.

~~[~~3.**~~]~~** ***~~[6.]~~*** ***5.*** Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer **~~[~~**takes**~~]~~** ***swears or affirms the oath of*** office in accordance with subsection **~~[~~**2,**~~]~~** ***~~[5,]~~*** ***4,***

shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

~~[4.]~~ ~~*[7.]*~~ ***6.*** For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is ~~*[:]*~~ filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

~~[5.]~~ ***(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.***

~~*[8.]*~~ ***7.*** The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a ~~[hard]~~ copy ~~[;]~~ ***of the standards;*** and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a ~~[hard]~~ ***printed*** copy of the statutory ethical standards from the Commission.

~~[6.]~~ ~~*[9.]*~~ ***8.*** Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a ~~[hard]~~ ***printed*** copy of the form for making the acknowledgment, a ~~[hard]~~ ***printed*** copy of the statutory ethical standards must be included with the form.

~~[7.]~~ ~~*[10.]*~~ ***9.*** The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[8.]~~ ~~*[11.]*~~ ***10.*** Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive

right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~[9.]~~ ~~*[12.]*~~ ***11.*** As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 47. ~~[NRS 281A.540 is hereby amended to read as follows:~~

~~281A.540 [1.] In addition to any other penalties provided by law, [a]~~ ***any*** ~~governmental grant, contract or lease [entered into in violation of this chapter is voidable by the State, county, city or political subdivision. In a determination under this section of whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General, district attorney or city attorney must give notice of the intent to void a grant, contract or lease under this section no later than 30 days after the Commission has determined that there has been a related violation of this chapter.~~

~~2. In addition to any other penalties provided by law, a contract prohibited by NRS 281.230 which is knowingly entered into by a person designated in subsection 1 of NRS 281.230 is void.~~

~~3. Any action taken by the State in violation of this chapter is voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies.~~

~~4. In addition to any other penalties provided by law, the Attorney General may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter by a public officer. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.]~~ ~~*made or other governmental action taken in violation of this chapter may be declared void pursuant to section 11 of this act.]*~~ **(Deleted by amendment.)**

Sec. 48. ~~[NRS 218D.175 is hereby amended to read as follows:~~

~~218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 100 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~

~~2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the~~

~~Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.~~

~~3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:~~

~~Lieutenant Governor ..... 1~~
~~Secretary of State ..... 5~~
~~State Treasurer ..... 2~~
~~State Controller ..... 2~~
~~Attorney General ..... 15~~

~~4. *For a regular session, the Commission on Ethics created by NRS 281A.200 may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than two legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.*~~

~~*5.* Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 **,** [and] 3 *and 4* must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[NRS 245.075 is hereby amended to read as follows:~~

~~245.075 1. Except as otherwise provided in NRS 281.230, 281A.430 [, 281A.530] and 332.800, it is unlawful for any county officer *, directly or indirectly,* to be interested in any contract made by the county officer or *to* be a purchaser or [be] interested in any purchase of a sale made by the county officer in the discharge of his or her official duties.~~

~~2. Any contract made in violation of [subsection 1] *this section* may be declared void at the instance of the county interested or of any other person interested in the contract except the officer prohibited from making or being interested in the contract.~~

~~3. Any person [violating] *who violates* this section [, directly or indirectly,] is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[NRS 268.384 is hereby amended to read as follows:~~

~~268.384 1. Except as otherwise provided in NRS 281.230, 281A.430 [, 281A.530] and 332.800, it is unlawful for any city officer *, directly or indirectly,* to be interested in any contract made by the city officer [,] or to be~~

~~a purchaser or interested [, directly or indirectly,] in any purchase of a sale made by the city officer in the discharge of *his or her* official duties.~~

~~2. Any person [violating] *who violates* this section is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 268.386 is hereby amended to read as follows:~~

~~268.386 Any contract made in violation of NRS 268.384 may be declared void at the instance of the city interested or of any other person interested in the contract except [an] *the* officer prohibited from making or being interested in the contract.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[NRS 269.071 is hereby amended to read as follows:~~

~~269.071 1. [It] *Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it* is unlawful for any member of a town board or board of county commissioners acting for any town to become a contractor under any contract or order for supplies or any other kind of contract authorized by or for the board of which he or she is a member, or to be interested, directly or indirectly, as principal [,] in any kind of contract so authorized.~~

~~2. Any person [violating subsection 1] *who violates this section* is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 53. ~~[NRS 269.072 is hereby amended to read as follows:~~

~~269.072 1. [It] *Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it* is unlawful for any town officer, directly or indirectly, to be interested in any contract made by the town officer [,] or *to* be a purchaser or [be] interested in any purchase under a sale made by the town officer in the discharge of *his or her* official duties.~~

~~2. Any person [violating subsection 1] *who violates this section* is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 54. ~~[NRS 269.073 is hereby amended to read as follows:~~

~~269.073 Any contract made in violation of NRS 269.071 or 269.072 may be declared void at the instance of the town or any person interested in the contract except [an] *the* officer prohibited from making or being interested in the contract.]~~ **(Deleted by amendment.)**

Sec. 55. ~~[NRS 332.800 is hereby amended to read as follows:~~

~~332.800 1. Except as otherwise provided in NRS 281.230 [,] *and* 281A.430 , [and 281A.530,] a member of the governing body may not be interested, directly or indirectly, in any contract entered into by the governing body, but the governing body may purchase supplies, not to exceed $1,500 in the aggregate in any 1 calendar month from a member of such governing body [,] when not to do so would be of great inconvenience due to a lack of any other local source.~~

~~2. An evaluator may not be interested, directly or indirectly, in any contract awarded by such governing body or its authorized representative.~~

~~3. A member of a governing body who furnishes supplies in the manner permitted by subsection 1 may not vote on the allowance of the claim for such supplies.~~

~~4. A [violation of] *person who violates* this section is *guilty of* a misdemeanor and, in the case of a member of a governing body, *a violation is* cause for removal from office.]~~ **(Deleted by amendment.)**

Sec. 56. ~~[NRS 281A.530 and 281A.550 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 56.5. ~~[1. Except as otherwise provided in subsection 2, the provisions of subsection 5 of NRS 281A.410, as amended by section 40 of this act, do not apply to the service or employment of a public officer or employee who is serving or is employed by a local agency before January 1, 2014.~~

~~2. A public officer or employee who otherwise meets the requirements set forth in subsection 1 but who, on or after January 1, 2014, begins serving as a public officer or begins working as an employee of another state or local agency is subject to the provisions of subsection 5 of NRS 281A.410, as amended by section 40 of this act, with respect to such subsequent service or employment.]~~ **(Deleted by amendment.)**

Sec. 57. ~~[1.]~~ This ~~[section and sections 1 to 10, inclusive, 14 to 38, inclusive, 41 and 43 to 48, inclusive, of this act become]~~ **act becomes** effective upon passage and approval.

~~[2. Sections 11, 12, 13, 39, 40, 42 and 49 to 56.5, inclusive, of this act become effective on January 1, 2014.~~

~~TEXT OF REPEALED SECTIONS~~

~~281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.~~

~~281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; determination by Commission.~~

~~1. A former member of the Public Utilities Commission of Nevada shall not:~~

~~— (a) Be employed by a public utility or parent organization or subsidiary of a public utility; or~~

~~— (b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,~~

~~➥ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.~~

~~— 2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:~~

~~— (a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or~~

~~— (b) Be employed by such a person,~~

~~➥ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.~~

~~— 3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:~~

~~— (a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;~~

~~— (b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or~~

~~— (c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.~~

~~— 4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:~~

~~— (a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;~~

~~— (b) The former public officer holds a license issued by the board, commission or similar body; and~~

~~(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.~~

~~5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:~~

~~(a) The amount of the contract exceeded $25,000;~~

~~(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and~~

~~(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.~~

~~6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:~~

~~(a) The best interests of the public;~~

~~(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and~~

~~(c) The provisions of this chapter,~~

~~→ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.~~

~~7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or~~

~~— (c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~— 8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.~~

~~— 9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.]~~

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 246.

Bill read second time.

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

Amendment No. 781.

AN ACT relating to campaign practices; amending the definition of "committee for political action" to include certain organizations and entities that receive contributions or make expenditures in excess of certain amounts for the purpose of affecting an election ~~[,]~~ **or ballot question;** requiring such organizations and entities to register as committees for political action ~~[,]~~ **and report certain information; clarifying that political parties and committees sponsored by political parties are not committees for political action;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Nevada's elections laws require major and minor political parties and committees sponsored by those political parties to report certain information regarding campaign contributions and expenditures. Nevada's elections laws also require committees for political action to report certain information regarding campaign contributions and expenditures. (Chapter 294A of NRS)

Section 1 of this bill **clarifies that major and minor political parties and committees sponsored by those political parties are not committees for political action under Nevada's elections laws to ensure that there is no**

conflict between the provisions governing major and minor political parties and committees sponsored by those political parties and the provisions governing committees for political action. (NRS 294A.0055)

Section 1 also revises the definition of "committee for political action" to include any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union that: (1) has as its primary purpose affecting the outcome of ~~[an]~~ **any** election **or ballot question** and for that purpose receives in excess of $1,500 in contributions or makes expenditures in excess of $1,500 in a calendar year; or (2) does not have as its primary purpose affecting the outcome of ~~[an]~~ **any** election **or ballot question** but for that purpose receives in excess of $5,000 in contributions or makes expenditures in excess of $5,000 in a calendar year. **(NRS 294A.0055)**

Section 2 of this bill requires all such organizations and entities to register with the Secretary of State not later than 7 calendar days after qualifying as a committee for political action **~~[.]~~ and to thereafter comply with the reporting requirements regarding campaign contributions and expenditures. However, if the organization or entity does not have as its primary purpose affecting the outcome of any election or ballot question, it must report only those contributions received for the purpose of affecting the outcome of any election or ballot question. (NRS 294A.230)**

The provisions of this bill requiring such organizations and entities to register with the Secretary of State as committees for political action and comply with campaign reporting requirements are modeled on statutes enacted by the State of Maine. (Me. Rev. Stat. Ann. tit. 21-A, §§ 1051-1063) The Maine statutes and similar statutes from other jurisdictions have been upheld as constitutionally valid elections laws because they promote an informed electorate by providing voters with pertinent and valuable information about organizations and entities that finance and disseminate elections-related speech. (*Nat'l Org. for Marriage v. McKee*, 649 F.3d 34 (1st Cir. 2011); *Real Truth About Abortion, Inc. v. FEC*, 681 F.3d 544 (4th Cir. 2012); *Ctr. for Individual Freedom v. Madigan*, 697 F.3d 464 (7th Cir. 2012); *Family PAC v. McKenna*, 685 F.3d 800 (9th Cir. 2012); *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010))

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

Section 1. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means ~~[any]~~ ***:***

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

~~[(a)]~~ ***(1)*** Makes or intends to make contributions to candidates or other persons; or

~~[(b)]~~ ***(2)*** Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) ~~[An]~~ ***Except as otherwise provided in paragraph (b) of subsection 1, an*** individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) ~~[A]~~ ***Except as otherwise provided in paragraph (b) of subsection 1, a*** labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** committee for political action shall, before it engages in any activity in

this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. ***A person who qualifies as a committee for political action in accordance with:***

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee ~~[,]~~ ***for political action;***

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

~~[3.]~~ ***4.*** A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

~~[4.]~~ ***5.*** The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection ~~[2. 5.]~~ ***3.***

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection

1 ~~[,]~~ ***or 2,*** if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 ~~[,]~~ ***or 2,*** each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 ***or 2*** for which the Secretary of State may impose a civil penalty.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 273.

Bill read second time.

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

Amendment No. 720.

AN ACT relating to sheriffs; revising provisions governing the removal of deputy sheriffs in certain smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a peace officer must be certified by the Peace Officers' Standards and Training Commission within 1 year after beginning employment as a peace officer, unless an extension is granted. (NRS 289.550) In a county that does not have a metropolitan police department or whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), a deputy sheriff who has completed a 12-month probationary period may be terminated from employment only for cause. (NRS 248.040, 248.045) In this context, ~~[for these smaller counties,]~~ this bill provides that **, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties),** "cause" includes a deputy's failure to become certified by the Peace Officers' Standards and Training Commission within the required time, the loss of that certification or the deputy's failure to maintain a valid driver's license.

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

Section 1. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy

policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure. ***[As used in this paragraph,]***

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than 45,000, "cause" includes, without limitation:

[(1)] (a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;

[(2)] (b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or

[(3)] (c) Failure to maintain a valid driver's license.

[2.]

➥ This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

[3.] 4. The sheriff may require of his or her deputies such bonds as to the sheriff seem proper.

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 711.

AN ACT relating to taxation; requiring a county treasurer to assign a tax lien against a parcel of real property located within the county if an assignment is authorized by an agreement between the owner of the property

and the assignee; requiring the county treasurer to issue a certificate of assignment for each tax lien assigned; authorizing the assignee of a tax lien to commence an action against the property owner for the collection of the delinquent taxes, penalties, interest, fees and costs or to pursue any other remedy authorized by the agreement with the owner; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county treasurer to sell a tax lien against a parcel of real property upon which taxes have become delinquent. The consent of the owner of the property is not a prerequisite to such a sale. (NRS 361.731-361.733) This bill amends those provisions to delete references to the sale of a tax lien and to require that the county treasurer assign a tax lien if the property owner and the assignee enter into a written agreement that so provides and the assignee pays to the county treasurer an amount equal to the delinquent taxes and accrued penalties, interest, fees and costs. **Section 4** of this bill sets forth the mandatory and permissible terms of such an agreement. **Sections 5-10** of this bill revise various provisions relating to delinquent taxes and the collection of such taxes to add references to the assignee of a tax lien, and to provide for an action by the assignee against the owner to recover delinquent taxes, penalties, interest, fees and costs. **Sections 11-19** of this bill amend existing provisions governing the sale of a tax lien to provide for the assignment of the lien and the respective rights and duties of the county treasurer, the owner of the property and the assignee. **Section 21** of this bill authorizes an assignee to bring an action against the owner for the recovery of delinquent taxes, penalties, interest, fees and costs, or to pursue any other remedy authorized by the assignee's agreement with the owner.

Existing law imposes certain limitations on the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) **Section 22** of this bill provides that these limitations are not applicable to any action, described above, brought by an assignee against an owner to recover delinquent taxes or brought pursuant to an agreement between the assignee and the owner.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this section and NRS 361.731 to 361.733, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 361.731 and section 3 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assignee" means a person:***

1. To whom an assignment of a tax lien is authorized pursuant to this section and NRS 361.731 to 361.733, inclusive, and sections 2 and 4 of this act; or

2. Who is the holder of a certificate of assignment issued pursuant to NRS 361.7318.

Sec. 4. ***1. If any taxes assessed against a parcel of real property pursuant to this chapter are delinquent and the requirements of NRS 361.7316 are otherwise satisfied, an owner of the property may authorize the county treasurer of the county in which the property is located to assign to an assignee the tax lien on the property. Any such authorization must be in writing and acknowledged by the owner before a notary public.***

2. An authorization given pursuant to this section must be made pursuant to a separate written agreement between the owner and the assignee. The agreement:

(a) Must provide that:

(1) The owner may redeem the tax lien by paying to the assignee the amounts required by the agreement, in the manner provided by the agreement; and

(2) The assignee is required to issue a release of the tax lien to the owner within 20 business days after the owner pays in full the amounts required by the agreement and otherwise fully performs the owner's obligations under the agreement.

(b) May provide for payment by the owner to the assignee of:

(1) The amount paid by the assignee to the county treasurer pursuant to NRS 361.7312 as consideration for the assignment;

(2) Fees for recording and other expenses incurred by the assignee in connection with the authorization and assignment ~~***[;]***~~ ***, the total of which must not exceed $600 if the property is a single-family residence occupied by the owner;***

(3) Interest on the foregoing amounts, until paid as provided by the agreement, at a rate not to exceed 15 percent per annum; and

(4) Any costs reasonably and necessarily incurred by the assignee to enforce the agreement or the tax lien, including, without limitation, attorney's fees and costs of suit, if the owner does not redeem the lien or otherwise does not perform in accordance with the agreement.

(c) May provide for either or both of the following remedies if the owner fails to redeem the tax lien or otherwise fails to perform in accordance with the agreement:

(1) An action by the assignee for collection of the amounts due pursuant to the agreement, as provided by law for the enforcement of contracts in writing; and

(2) An action by the assignee for collection of the taxes, penalties, interest, fees and costs relating to the tax lien, in the manner provided by NRS 361.625 to 361.730, inclusive, except insofar as any provision of those sections applies only to the district attorney of the county or an action commenced by the district attorney.

3. The assignee shall cause the agreement described in subsection 2, with the certificate of assignment of the tax lien issued pursuant to NRS 361.7318, to be recorded in the office of the county recorder of the county in which the property is located.

Sec. 5. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; ~~[and]~~

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189 ~~[.]~~ ***; and***

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by ***or on behalf of*** the taxpayer or his or her successor in interest ~~[:~~

~~(1) The]~~ ***, the*** tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

~~[(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 6. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) That each property described in the certificate may be redeemed within 2 years after the date of the certificate;

(b) That the title to each property not redeemed vests in the county for the benefit of the State and county; and

(c) That a tax lien may be ~~[sold]~~ ***assigned*** against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his or her successor redeems the property, he or she must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him or her pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 7. NRS 361.645 is hereby amended to read as follows:

361.645 1. The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property is prima facie evidence in any court in an action commenced by the district attorney pursuant to the provisions of this chapter to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) The amount of taxes due and unpaid.

(e) That all the forms of law in relation to the assessment and levy of those taxes have been complied with.

2. A certificate of ~~[purchase]~~ ***assignment*** of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** or a copy thereof which is certified by the county treasurer and which indicates the ~~[sale]~~ ***assignment*** of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the ~~[holder of the certificate of purchase]~~ ***assignee*** to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) ~~[The amount of taxes, penalties, interest and costs due and unpaid.~~

~~(e)]~~ That all the forms of law in relation to the assessment and levy of those taxes and the ~~[sale]~~ ***assignment*** of the tax lien have been complied with.

Sec. 8. NRS 361.650 is hereby amended to read as follows:

361.650 1. Actions authorized by NRS 361.635 must be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.

2. An action authorized by NRS 361.733 must be commenced in the name of the ~~[holder of the certificate of purchase]~~ ***assignee*** of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.

3. Any action described in subsection 1 or 2 may be commenced in the county where the assessment is made, before any court in the county having jurisdiction of the amount thereof. The jurisdiction must be determined solely by the amount of delinquent taxes, exclusive of penalties and costs sued for, without regard to the location of the lands or other property as to townships, cities or districts, and without regard to the residence of the person or persons, or owner or owners, known or unknown.

Sec. 9. NRS 361.685 is hereby amended to read as follows:

361.685 1. The district attorney or the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the notice was published.

2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.

3. Copies so filed or certified copies thereof are prima facie evidence of all the facts contained in the notice or affidavit, in all courts in the State.

4. The publishers are entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.

5. The county recorder is entitled to 50 cents for filing each notice of publication, including the affidavit.

6. The sums allowed must be taxed and collected as other costs in the case from the defendant, and in no case may they be charged against or collected from the county or State.

Sec. 10. NRS 361.695 is hereby amended to read as follows:

361.695 The defendant may answer by a verified pleading:

1. That the taxes, penalties, interest and costs have been paid before suit.

2. That the taxes, penalties, interest and costs have been paid since suit, or that the property is exempt from taxation under the provisions of this chapter.

3. Denying all claim, title or interest in the property assessed at the time of the assessment.

4. That the land is ~~[situate]~~ ***situated*** in, and has been assessed in, another county, and the taxes thereon paid.

5. Alleging fraud in the assessment, or that the assessment is out of proportion to and above the taxable value of the property assessed. If the defense is based upon the ground that the assessment is above the taxable value of the property, the defense is only valid as to the proportion of the tax based upon the excess of valuation, but in no such case may an entire assessment be declared void.

6. If the action is brought by the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act,*** that the ~~[defendant is the owner of a parcel of real property against which a tax lien was sold in a manner that]~~ ***assignment*** did not comply with the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

7. If the action is brought by the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act,*** that the defendant has redeemed the tax lien pursuant to NRS 361.7326. ~~[The defendant shall file the certificate of redemption issued pursuant to NRS 361.7326 with his or her answer.]~~

Sec. 11. NRS 361.731 is hereby amended to read as follows:

361.731 ~~[As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, "tax]~~ ***"Tax*** lien" means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest ***, fees*** and costs which may accrue thereon are paid ~~[.]~~ ***:***

1. To the county treasurer; or

2. If the lien is assigned pursuant to NRS 361.731 to 361.733, inclusive, and sections 2, 3 and 4 of this act, to the assignee or any successor in interest of the assignee.

Sec. 12. NRS 361.7312 is hereby amended to read as follows:

361.7312 1. Except as otherwise provided in ~~[this section,]~~ ***subsection 2,*** a county ~~[may,]~~ ***treasurer shall*** ~~[in lieu of the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive, sell]~~ ***assign*** a tax lien against a parcel of real property upon which the taxes are delinquent ~~[pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~ ***if the assignee:***

(a) Presents the county treasurer with:

(1) Written authorization for the assignment, duly executed by the owner of the property in accordance with section 4 of this act; and

(2) Evidence that the assignee has posted and maintains the bond required by NRS 361.7314 in the penal sum required by that section, or an affidavit showing that the assignee is exempt from the requirement pursuant to subsection 4 of that section; and

(b) Tenders to the county treasurer the full amount of the delinquent taxes assessed against the property and any applicable penalties, interest, fees and costs. Payment must be made in cash or by certified check, money order or wire transfer.

2. ~~[Except as otherwise provided in this section, a county may sell a tax lien to any purchaser.]~~ A county ***treasurer*** may not ~~[sell]~~ ***assign*** a tax lien to a government, governmental agency or political subdivision of a government ***.*** ~~[, or to any insurer other than an insurer that:~~

~~(a) Is entitled to receive the credit set forth in NRS 680B.050 because it owns and substantially occupies and uses a building in this State as its home office or as a regional home office; or~~

~~(b) Issues in this State a policy of insurance for medical malpractice.]~~

3. ~~[For the purposes of this section:~~

~~(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.~~

~~(b) "Policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.]~~ ***An assignment of a tax lien pursuant to this section does not affect the priority of the tax lien.***

Sec. 13. NRS 361.7314 is hereby amended to read as follows:

361.7314 1. ~~[Before a county may offer for sale tax liens against parcels of real property located within the county, the board of county commissioners of that county must adopt by resolution a procedure for the sale and transfer of tax liens by the county treasurer.~~

~~2. The procedure must include, but is not limited to:~~

~~(a) The requirements for notice of the sale of the tax lien. The notice must include:~~

~~(1) The date, time and location of the sale; and~~

~~(2) An indication of all other tax liens against the property that have been previously sold.~~

~~(b) The manner in which:~~

~~(1) A tax lien is selected for sale;~~

~~(2) The price to purchase a tax lien is determined; and~~

~~(3) The holder of a certificate of purchase issued pursuant to NRS 361.7318 may collect the delinquent taxes, interest, penalties and costs on the parcel of real property which is the subject of the tax lien.]~~ ***Except as***

otherwise provided in subsection 4, an assignee shall post a cash bond or surety bond:

(a) In the penal sum of $500,000; and

(b) Conditioned to provide indemnification to any owner of real property in this State with respect to which a tax lien is assigned to the assignee if the owner is determined to have suffered damage as a result of the assignee's wrongful failure or refusal to perform the obligations of the assignee under an agreement entered into pursuant to section 4 of this act.

2. No part of the bond required by this section may be withdrawn while any agreement entered into pursuant to section 4 of this act, to which the assignee is a party, remains in effect with respect to real property in this State.

3. Except as otherwise provided in subsection 4, each assignee shall annually submit to the Secretary of State a written statement, made under penalty of perjury:

(a) That the assignee has posted the bond required by this section; and

(b) Stating the name and business address of the surety or person with whom the bond has been posted.

➥ Any assignee or other person who knowingly makes or causes to be made a false statement to the Secretary of State pursuant to this subsection is guilty of a misdemeanor.

4. The provisions of this section do not apply to any assignee who is related within the third degree of consanguinity to the owner of the real property that is the subject of the assignment.

Sec. 14. NRS 361.7316 is hereby amended to read as follows:

361.7316 1. A county treasurer may ~~[sell]~~ ***assign*** a tax lien against a parcel of real property ***at any time*** after the ~~[first Monday in June after the]~~ taxes on that parcel become delinquent ***and before judgment in favor of the county is entered pursuant to NRS 361.700*** if:

(a) The parcel is on the secured roll; ***and***

(b) The taxes on the parcel are delinquent pursuant to the provisions of NRS 361.483 **.** ~~[;~~

~~(c) The tax receiver has given notice of the delinquency pursuant to NRS 361.5648; and~~

~~(d) The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.~~

~~2. The county treasurer may sell a tax lien separately or in combination with other tax liens in accordance with the procedure adopted by the board of county commissioners pursuant to NRS 361.7314.~~

~~3. Each tax lien must relate to the taxes assessed against the parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.~~

~~4. The county treasurer may sell a tax lien which relates to the taxes assessed against the parcel for any year of assessment and any penalties, interest and costs accrued thereon if those taxes are delinquent pursuant to the provisions of NRS 361.483.~~

~~5.~~ ***2.*** If two or more parcels are assessed as a single parcel, one tax lien may be ~~[sold]~~ ***assigned*** for that single parcel.

~~[6. A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.~~

~~7. If a tax lien offered for sale is not sold at the sale conducted by the county treasurer, the county may collect the delinquent taxes pursuant to the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.]~~

Sec. 15. NRS 361.7318 is hereby amended to read as follows:

361.7318 1. The county treasurer shall issue a certificate of ~~[purchase]~~ ***assignment*** to each ~~[purchaser]~~ ***assignee*** of a tax lien.

2. ~~[The holder of a certificate of purchase is entitled to receive:~~

~~(a) The amount of the taxes which are delinquent for the year those taxes are assessed against the parcel of real property which is the subject of the tax lien and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and~~

~~(b) Interest on the amount described in paragraph (a) which accrues at a rate established by the board of county commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.~~

~~3.~~ Each certificate of ~~[purchase]~~ ***assignment*** must include:

(a) ~~[A]~~ ***The legal*** description ***and parcel number*** of the ~~[parcel of]~~ real property which is the subject of the tax lien;

(b) The ***year or*** years ***for which*** the ***delinquent*** taxes ~~[which are delinquent]~~ were assessed on the parcel;

(c) The ***name of the owner of the property, if known;***

(d) The amount the county treasurer received for the tax lien ~~[;~~

~~(d) The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter;]~~ ***pursuant to NRS 361.7312;*** and

(e) A statement that the amount indicated on the certificate ~~[pursuant to paragraph (d)]~~ bears interest at the rate established by the ~~[board of county commissioners, from the date on which the certificate of purchase is issued.~~

~~4. The holder of a certificate of purchase may transfer the certificate to another person by signing the certificate before a notary public. A certificate of purchase may not be transferred to a government, governmental agency or political subdivision of a government. The transferee must submit the~~

~~certificate to the county treasurer for entry of the transfer in the record of sales tax liens maintained by the county treasurer pursuant to NRS 361.7322. — 5.]~~ ***agreement entered into pursuant to section 4 of this act.***

3. Notwithstanding the provisions of NRS 104.9109, a security interest in a certificate of ~~[purchase]~~ ***assignment*** may be created and perfected in the manner provided for general intangibles set forth in NRS 104.9101 to 104.9709, inclusive.

Sec. 16. NRS 361.732 is hereby amended to read as follows:

361.732 If ~~[the holder of a certificate of purchase]~~ ***an assignee*** requests the county treasurer to issue a duplicate certificate ~~[,]~~ ***of assignment,*** the ~~[holder]~~ ***assignee*** must submit to the county treasurer a notarized affidavit which attests that the ***original*** certificate was lost or destroyed. The county treasurer shall, upon receipt of the affidavit, issue to the ~~[holder]~~ ***assignee*** an exact duplicate of the certificate of ~~[purchase.]~~ ***assignment.***

Sec. 17. NRS 361.7322 is hereby amended to read as follows:

361.7322 The county treasurer shall ~~[prepare and maintain a record of each tax lien]~~ ***make a notation in his or her records whenever*** he or she ~~[sells]~~ ***assigns a tax lien*** pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.*** ~~[The record must include:~~

~~1. The date of the sale of the tax lien;~~

~~2. A description of the parcel of real property which is the subject of the tax lien;~~

~~3. The year the taxes which are delinquent were assessed on the parcel;~~

~~4. The name of the owner of the parcel, if known;~~

~~5. The name and address of the original purchaser of the tax lien;~~

~~6. The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter on the date the county treasurer sells the tax lien;~~

~~7. The name and address of any person to whom the certificate of purchase is transferred and the date of the transfer;~~

~~8. The name of the person who redeems the tax lien, the date of that redemption and the amount paid to redeem the tax lien; and~~

~~9. The date of any judgment entered pursuant to NRS 361.700.]~~

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 361.7326 is hereby amended to read as follows:

361.7326 1. ~~[In addition to the persons authorized to redeem a tax lien pursuant to NRS 361.7324, any]~~ ***An owner of property may redeem a*** tax lien ~~[sold]~~ ***assigned*** pursuant to the provisions of NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** ~~[may be redeemed by any of the following persons, as their interests in the parcel of real property which is the subject of the tax lien may appear of record:~~

~~(a) The owner of the parcel of real property.~~
~~(b) The beneficiary under a deed of trust.~~
~~(c) The mortgagee under a mortgage.~~
~~(d) The person to whom the property was assessed.~~
~~(e) The person who holds a contract to purchase the property before its conveyance to the county treasurer.~~
~~(f) The successor in interest of any person specified in this subsection.~~
~~2. A person who redeems a tax lien must pay to the county treasurer the amount stated on the certificate of purchase of the tax lien, including interest at the rate stated on the certificate and any fees paid by the holder of the certificate of purchase to the county treasurer.~~**]** ***without a prepayment penalty at any time after the assignment by paying the amounts owed to the assignee under the agreement entered into pursuant to section 4 of this act.***

2. If **[**~~the person~~**]** ***an owner*** who redeems the tax lien has been served with a summons pursuant to NRS 361.670, the **[**~~person~~**]** ***owner*** must pay the costs incurred by the **[**~~holder of the certificate of purchase~~**]** ***assignee*** to commence the action.

[~~4. The county treasurer~~**]**

3. Within 20 business days after the redemption of the tax lien, the assignee shall issue a **[**~~certificate of redemption to each person who redeems a tax lien pursuant to this section.~~

~~5.~~**]** ***release of the lien to the owner.***

4. A **[**~~certificate of redemption~~**]** ***release*** issued pursuant to subsection **[**~~4~~**]** ***3*** must include:

(a) **[**~~A~~**]** ***The legal*** description ***and parcel number*** of the **[**~~parcel of real~~**]** property which is the subject of the tax lien;

(b) The ***year or years for which the taxes related to the lien were assessed on the parcel;***

(c) The recording information for the documents recorded pursuant to subsection 3 of section 4 of this act; and

(d) The date the tax lien is redeemed **. [**~~;~~

~~(c) The name and address of the person who redeems the tax lien; and~~
~~(d) The amount paid to redeem the tax lien.~~
~~6. The county treasurer shall record the information set forth in subsection 5 in the record he or she maintains pursuant to NRS 361.7322.~~
~~7. A certificate of redemption may be recorded in the office of the county recorder.~~**]**

5. The assignee shall ***[cause]*** ***:***

(a) Cause the release to be recorded in the office of the county recorder of the county in which the property is located ***[.]*** ***; and***

(b) Cause a copy of the release to be sent to the county treasurer of that county.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 361.733 is hereby amended to read as follows:

361.733 ~~[If]~~

1. Except as otherwise provided in this section, if a tax lien is not redeemed pursuant to NRS 361.7326 ***,*** ~~[within the time allowed for the collection of the delinquent taxes set forth in NRS 361.5648 to 361.620, inclusive,]~~ the ~~[holder of the certificate of purchase]~~ ***assignee*** may commence an action ***pursuant to NRS 361.625 to 361.730, inclusive,*** for the collection of the delinquent taxes, penalties, interest ***, fees*** and costs ~~[.]~~ ***owed pursuant to the certificate of assignment and the agreement entered into pursuant to section 4 of this act. An assignee may not commence such an action before the earliest date on which an action could be commenced by the district attorney of the county pursuant to NRS 361.635.***

2. Not later than 60 days before commencing such an action, the assignee shall cause written notice of the intended action and the assignee's claim, stating the amount owed to the assignee, to be mailed by certified mail to:

(a) The owner of the property at the owner's last known address; and

(b) Each of the following persons, as their interest in the property appears of record:

(1) The beneficiary under any deed of trust; and

(2) The mortgagee under any mortgage.

3. At any time after notice is given pursuant to subsection 2 and before the commencement of an action by the assignee, any person related to the owner of the property within the third degree of consanguinity or any beneficiary or mortgagee described in subsection 2 may obtain an assignment of the tax lien from the assignee by paying the assignee the amount then owed to the assignee.

Sec. 22. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) ***Pursuant to an agreement entered into pursuant to section 4 of this act between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.***

(p) Which is exempted from the provisions of this section by specific statute.

~~[(p)]~~ ***(q)*** To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 22.5. NRS 361.7324 and 361.7328 are hereby repealed.

Sec. 23. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold.

1. If a tax lien against a parcel of real property has been sold in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:

(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;

(b) Redeem the tax lien pursuant to NRS 361.7326; or

(c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:

(a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to NRS 361.7318; or

(b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:

(a) Redeem the tax lien pursuant to that section; or

(b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.

361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.

1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the holder of the certificate of purchase of the tax lien.

2. The county treasurer shall pay to the holder of the certificate of purchase the amount indicated on the certificate pursuant to NRS 361.7318 at the time the holder presents the certificate for payment.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

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

Amendment No. 782.

SUMMARY—Revises provisions governing ~~[certain professions]~~ **physicians**. (BDR 54-713)

AN ACT relating to ~~[professions;]~~ **physicians;** revising certain provisions governing certain continuing education requirements for physicians; ~~[authorizing certain qualified professionals who hold a license in another state or territory 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]~~ **allopathic and osteopathic physicians** in this State. ~~[(Title 54]~~ **(Chapters 630 and 633** of NRS) **Section 1** of this bill authorizes ~~[a]~~ **an allopathic** physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. **Section 2** of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in pain management and addiction care. ~~[Sections 3 and 11 of this bill authorize~~

~~certain qualified professionals who are licensed in another state or territory of the United States to practice as a clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor or problem gambling counselor to apply for and receive a license or certificate by endorsement to practice their respective profession in this State. If the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the applicant is entitled to a 50 percent reduction in the fees otherwise provided for the application, endorsement and issuance of the license or certificate.]~~

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their

continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[5]~~ ***6*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than

that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in pain management or addiction care.***

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board may issue a license by endorsement to practice as a clinical professional counselor or marriage and family therapist to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.*~~

~~*2. Except as otherwise provided in subsection 5, an applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*~~

~~*(a) The fee provided by NRS 641A.290 for an application for a license and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements 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) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.*~~

~~*4. A license by endorsement may be issued at a meeting of the Board.*~~

~~*5. If an applicant for a license by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one-half of the fees specified by NRS 641A.290 and subsection 2 of this section for the application, endorsement and issuance of the license by endorsement.]~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[NRS 641A.220 is hereby amended to read as follows:~~

~~641A.220~~ **[**~~Each~~**]** ~~*Except as otherwise provided in section 3 of this act, each*~~ ~~applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Is of good moral character;~~

~~3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;~~

~~5. Has:~~

~~(a) At least 2 years of postgraduate experience in marriage and family therapy; and~~

~~(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and~~

~~6. Holds an undergraduate degree from an accredited institution approved by the Board.~~**] (Deleted by amendment.)**

Sec. 8. **[**~~NRS 641A.230 is hereby amended to read as follows:~~

~~641A.230 1. Except as otherwise provided in subsection 2~~ **[,]** ***and section 3 of this act,*** ~~each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.~~

~~2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.~~

~~3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.~~**] (Deleted by amendment.)**

Sec. 9. **[**~~NRS 641A.231 is hereby amended to read as follows:~~

~~641A.231~~ **[**~~Each~~**]** ***Except as otherwise provided in section 3 of this act, each*** ~~applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Is of good moral character;~~

~~3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4. Has:~~

~~(a) Completed residency training in psychiatry from an accredited institution approved by the Board;~~

~~(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or~~

~~(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and~~

~~5. Has:~~

~~(a) At least 2 years of postgraduate experience in professional counseling;~~

~~(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:~~

~~(1) At least 1,500 hours of direct contact with clients; and~~

~~(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and~~

~~(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.~~**]**

(Deleted by amendment.)

Sec. 10. ~~[NRS 641A.290 is hereby amended to read as follows:~~

~~641A.290~~ ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** Board shall charge and collect not more than the following fees, ~~respectively:~~

~~For application for a license ..... $75~~
~~For examination of an applicant for a license ..... 200~~
~~For issuance of a license ..... 50~~
~~For annual renewal of a license ..... 150~~
~~For reinstatement of a license revoked for nonpayment of the fee for renewal ..... 100~~
~~For an inactive license ..... 150~~**]** **(Deleted by amendment.)**

Sec. 11. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The Board may issue a license or certificate by endorsement to practice as a certified counselor or licensed counselor to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license or certificate if the applicant holds a corresponding valid and unrestricted license or certificate to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.***~~

~~*2. Except as otherwise provided in subsection 5, an applicant for a license or certificate by endorsement pursuant to this section must submit to the Board with his or her application:*~~

~~*(a) The fee provided by NRS 641C.470 for an initial application for a license or certificate and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements 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 or certificate to practice his or her respective profession; and*~~

~~*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license or certificate by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license or certificate by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.*~~

~~*4. A license or certificate by endorsement may be issued at a meeting of the Board.*~~

~~*5. If an applicant for a license or certificate by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one half of the fees specified by NRS 641C.470 and subsection 2 of this section for the application, endorsement and issuance of the license or certificate by endorsement.]*~~

(Deleted by amendment.)

Sec. 12. ~~[NRS 641C.300 is hereby amended to read as follows:~~

~~641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in~~

~~another state, a territory or possession of the United States or the District of Columbia if the~~ ***license or certificate is issued by endorsement pursuant to section 11 of this act, or if the*** ~~requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.~~**] (Deleted by amendment.)**

Sec. 13. **[**~~NRS 641C.330 is hereby amended to read as follows:~~

~~641C.330~~ **[**~~The~~**]** ***Except as otherwise provided in section 11 of this act, the*** ~~Board shall issue a license as a clinical alcohol and drug abuse counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;~~

~~(d) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;~~

~~(e) Has completed a program that:~~

~~(1) Is approved by the Board; and~~

~~(2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;~~

~~(f) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a license.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is:~~

~~(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or~~

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all the information required to complete an application for a license.] **(Deleted by amendment.)**

Sec. 14. [NRS 641C.350 is hereby amended to read as follows:

641C.350 [The] ***Except as otherwise provided in section 11 of this act, the*** Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

~~(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a license.~~**] (Deleted by amendment.)**

Sec. 15. **[**~~NRS 641C.390 is hereby amended to read as follows:~~

~~641C.390 1. [The~~**] *Except as otherwise provided in section 11 of this act, the*** ~~Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a certificate.~~

~~2. The Board may waive the educational requirement set forth in paragraph (c) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq.~~

~~3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.~~

~~4. A certified alcohol and drug abuse counselor may:~~

~~(a) Engage in the practice of counseling alcohol and drug abusers; and~~

~~(b) Diagnose or classify a person as an alcoholic or abuser of drugs.~~**] (Deleted by amendment.)**

Sec. 16. **[**~~NRS 641C.430 is hereby amended to read as follows:~~

~~641C.430 [The] *Except as otherwise provided in section 11 of this act, the* Board may issue a certificate as a problem gambling counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;~~

~~(h) Pays the fees required pursuant to NRS 641C.470; and~~

~~(i) Submits all information required to complete an application for a certificate.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is licensed as:~~

~~(1) A clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) A clinical professional counselor pursuant to chapter 641A of NRS;~~

~~(3) A marriage and family therapist pursuant to chapter 641A of NRS;~~

~~(4) A physician pursuant to chapter 630 of NRS;~~

~~(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;~~

~~(6) A psychologist pursuant to chapter 641 of NRS;~~

~~(7) An alcohol and drug abuse counselor pursuant to this chapter; or~~

~~(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a certificate.~~**] (Deleted by amendment.)**

Sec. 17. ~~[NRS 641C.470 is hereby amended to read as follows:~~

~~641C.470 1. [The~~**] *~~Except as otherwise provided in section 11 of this act, the~~* ~~Board shall charge and collect not more than the following fees:~~

~~For the initial application for a license or certificate ..... $150~~
~~For the issuance of a provisional license or certificate ..... 125~~
~~For the issuance of an initial license or certificate ..... 60~~
~~For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor ..... 300~~
~~For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern ..... 75~~
~~For the renewal of a delinquent license or certificate ..... 75~~
~~For the restoration of an expired license or certificate ..... 150~~
~~For the restoration or reinstatement of a suspended or revoked license or certificate ..... 300~~
~~For the issuance of a license or certificate without examination ..... 150~~
~~For an examination ..... 150~~
~~For the approval of a course of continuing education ..... 150~~

~~2. The fees charged and collected pursuant to this section are not refundable.~~**] (Deleted by amendment.)**

Sec. 18. (Deleted by amendment.)

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 684.

AN ACT relating to real property; revising provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; providing civil remedies for failure to comply with certain provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; authorizing a ~~[defendant]~~ **mortgagor** in a judicial foreclosure action to elect mediation; 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) Existing law also provides for a judicial foreclosure action under certain circumstances for the recovery of any debt or for the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) **Sections 2-16** of this bill establish additional ~~[restrictions on the exercise of the trustee's power of sale and the judicial]~~ **requirements for the** foreclosure ~~[which apply only to a residential mortgage loan secured by]~~ **of** owner-occupied housing ~~[.]~~ **securing a residential mortgage loan.** Under **section 7.5** of this bill, these additional restrictions do not apply to a ~~[credit union]~~ **financial institution** that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in this State. Under **section 30** of this bill, these additional restrictions apply only to a notice of default and election to sell which is recorded on or after October 1, 2013.

Section 10 of this bill provides that at least 30 **calendar** days before recording a notice of default and election to sell or commencing a judicial foreclosure action and at least 30 **calendar** days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust must provide to the borrower certain information concerning the borrower's account, the foreclosure prevention alternatives offered by the mortgage servicer, mortgagee or beneficiary and a statement of the facts supporting the right of the mortgagee or beneficiary to foreclose. **Section 11** of this bill prohibits the recording of a notice of default and election to sell or the commencement of a judicial foreclosure action **involving a failure to make payment** until the mortgage servicer complies with certain requirements regarding contact with, or attempts to contact, the borrower. **Section 13** of this bill prohibits the practice commonly known as "dual-tracking" by prohibiting a mortgage servicer, trustee, mortgagee or beneficiary of a deed of trust from continuing the foreclosure process while an application for a foreclosure prevention alternative is pending or while the borrower is current on his or her obligation under a foreclosure prevention alternative. **Section 14** of this bill requires a mortgage servicer to provide a single point of contact for a borrower who requests a foreclosure prevention alternative. **Section 15** of this bill requires that under certain circumstances, a mortgage servicer, mortgagee or beneficiary of a deed of trust must ~~[cause to be dismissed]~~ **dismiss** a judicial foreclosure action or ~~[cause to be withdrawn any]~~ **rescind a** recorded notice of default and election or notice of sale. **Section 16** of this bill provides for certain civil remedies for a material violation of the provisions of **sections 2-16**.

Section 18 of this bill provides that ~~[a defendant]~~ in a judicial foreclosure action concerning owner-occupied property **, the mortgagor** may elect to participate in the Foreclosure Mediation Program.

WHEREAS, The State of Nevada has been severely affected by the mortgage foreclosure crisis and consistently ranks as one of the top states for underwater home mortgage loans, mortgage defaults and foreclosures; and

WHEREAS, The dramatic increase in foreclosures during the mortgage foreclosure crisis has led to predatory and illegal practices by mortgage servicers and outside firms hired by mortgage servicers; and

WHEREAS, The Nevada Attorney General investigated and sued certain large financial institutions for engaging in illegal practices relating to the servicing of mortgage loans in default and entered into consent agreements and settlements requiring certain large financial institutions to adopt certain practices when servicing a mortgage loan in default; and

WHEREAS, The consent agreements and settlements only apply to the large financial institutions and are not permanent; and

WHEREAS, All homeowners in the State of Nevada deserve better consumer protections and fair and honest treatment in the servicing of mortgage loans in default; now therefore,

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 the provisions set forth as sections 2 to ~~[16,]~~ **16.5,** 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 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Borrower" means a natural person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan. The term does not include a natural person who:***

1. Has surrendered the secured property as evidenced by a letter confirming the surrender or the delivery of the keys to the property to the mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person.

2. ~~[Has contracted with an organization, person or entity whose primary business is advising persons who have decided to leave their homes on how to extend the foreclosure process and avoid their contractual obligations to mortgagees or beneficiaries of deeds of trust.~~

~~3.]~~ Has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure or trustee's sale.

Sec. 4. *"Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage ~~[or deed of trust]~~ loan on the property ~~[that is the subject of the notice of default and election to sell]~~ or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale, as defined in NRS 40.4634.*

Sec. 5. *"Foreclosure sale" means the exercise of the trustee's power of sale pursuant to NRS 107.080 or a sale directed by a court pursuant to NRS 40.430.*

Sec. 6. *"Mortgage servicer" means a person ~~[or entity]~~ who directly services a residential mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person ~~[or entity]~~ providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.*

Sec. 7. *"Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage ~~[,]~~ or deed of trust ~~[or other equivalent, consensual security interest]~~ on owner-occupied housing as defined in NRS 107.086.*

Sec. 7.5. *The provisions of sections 2 to 16, inclusive, of this act do not apply to a ~~[credit union,]~~ financial institution, as defined in NRS ~~[678.070,]~~ 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS 107.086.*

Sec. 7.7. The provisions of sections 2 to 16, inclusive, of this act must not be construed to authorize a mortgage servicer, a mortgagee or a beneficiary of a deed of trust to restrict a borrower from pursuing concurrently more than one foreclosure prevention alternative.

Sec. 8. *1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of sections 2 to 16, inclusive, of this act.*

*2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, ~~[an]~~ a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[secured by a mortgage or other lien upon real estate that is not barred by~~

~~*NRS 40.430]*~~ ***is subject to the requirements of sections 2 to 16, inclusive, of this act.***

Sec. 9. ***1. Any duty of a mortgage servicer to maximize net present value under a pooling and servicing agreement is owed to all parties in a loan pool, or to all investors under a pooling and servicing agreement, not to any particular party in the loan pool or investor under a pooling and servicing agreement.***

2. A mortgage servicer acts in the best interests of all parties to the loan pool or investors in the pooling and servicing agreement if the mortgage servicer agrees to or implements a foreclosure prevention alternative for which both of the following apply:

(a) The residential mortgage loan is in payment default or payment default is reasonably foreseeable.

(b) Anticipated recovery under the foreclosure prevention alternative exceeds the anticipated recovery through foreclosure on a net present value basis.

Sec. 10. ***1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for*** ~~*[the recovery of any debt, or for the enforcement of any right, under]*~~ ***a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan*** ~~*[that is not barred by NRS 40.430]*~~ ***and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:***

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 501 et seq., regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last ~~[full]~~ payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in sections 12 and 13 of this act for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default

and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether ~~[an]~~ a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 11. *1. A mortgage servicer, mortgagee, trustee, beneficiary of a deed of trust or an authorized agent of such a person may not record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commence a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430]~~ until:*

(a) The mortgage servicer, mortgagee or beneficiary of the deed of trust has satisfied the requirements of subsection 1 of section 10 of this act;

(b) Thirty calendar days after initial contact is made with the borrower as required by subsection 2 or 30 calendar days after satisfying the requirements of subsection 5; and

(c) The mortgage servicer , mortgagee or beneficiary of the deed of trust complies with sections 12 and 13 of this act, if the borrower submits an application for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary . ~~[of the deed of trust.]~~

2. The mortgage servicer shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale. During the initial contact, the mortgage servicer shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the mortgage servicer must schedule the meeting to occur within 14 calendar days after the request. The assessment of the borrower's financial situation and discussion of the options to avoid a foreclosure sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the borrower must be provided the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that

Department. Any meeting pursuant to this subsection may occur by telephone.

3. The loss mitigation personnel of a mortgage servicer may participate by telephone during any contact with a borrower required by this section.

4. A borrower may designate, with consent given in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other adviser to discuss with the mortgage servicer, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid a foreclosure sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A foreclosure prevention alternative offered during any contact with a person or agency designated by a borrower pursuant to this subsection is subject to the approval of the borrower.

5. If a mortgage servicer has not contacted a borrower as required by subsection 2, a notice of default and election to sell may be recorded pursuant to subsection 2 of NRS 107.080 or a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430]~~ may be commenced, if the mortgage servicer has taken all the following actions:

(a) The mortgage servicer attempts to contact the borrower by mailing by first-class mail to the borrower a letter informing the borrower of his or her right to discuss foreclosure prevention alternatives and providing the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency approved by that Department.

(b) After mailing the letter required by paragraph (a), the mortgage servicer attempts to contact the borrower by telephone at least 3 times at different hours on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the mortgage servicer. A mortgage servicer may attempt to contact a borrower pursuant to this paragraph by using an automated system to dial borrowers if, when the telephone call is answered, the call is connected to a live representative of the mortgage servicer. A mortgage servicer satisfies the requirements of this paragraph if it determines, after attempting to contact a borrower pursuant to this paragraph, that the primary telephone number of the borrower which is on file with the mortgage servicer and any secondary telephone numbers on file with the mortgage servicer have been disconnected.

(c) If the borrower does not respond within ~~[2 weeks]~~ 14 calendar days after the mortgage servicer satisfies the requirements of paragraph (b), the

mortgage servicer ~~[mails]~~ sends, by certified mail, return receipt requested, or any other mailing process that requires a signature upon delivery, a letter that includes the information required by paragraph (a).

(d) The mortgage servicer provides a means for the borrower to contact the mortgage servicer in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The mortgage servicer posts on the homepage of its Internet website, if any, a prominent link to the following information:

(1) Options that may be available to borrowers who are unable to afford payments under a residential mortgage loan and who wish to avoid a foreclosure sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the mortgage servicer when discussing options to avoid a foreclosure sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the mortgage servicer options for avoiding a foreclosure sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or a complaint commencing a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430,]~~ must contain a declaration that the mortgage servicer has contacted the borrower as required by subsection 2, has attempted to contact the ~~[grantor or the person who holds title of record]~~ borrower as required by subsection 5 ~~[of this act]~~ or that no contact was required.

Sec. 12. *1. Not later than 5 business days after receiving an application for a foreclosure prevention alternative or any document in connection with such an application, a mortgage servicer, mortgagee or beneficiary of the deed of trust shall send to the borrower written acknowledgment of the receipt of the application or document.*

2. The mortgage servicer, mortgagee or beneficiary of the deed of trust shall include in the initial acknowledgment of receipt of an application for a foreclosure prevention alternative:

*(a) A description of the process for considering the application, including, without limitation, ~~[an estimate of when a decision on the~~

~~*application will be made and the length of time the borrower will have to consider an offer for a foreclosure prevention alternative;]*~~ *a statement that:*

(1) The mortgage servicer, mortgagee or beneficiary must either deny the application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative; and

(2) If the mortgage servicer, mortgagee or beneficiary submits to the borrower a written offer for a foreclosure prevention alternative, the borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer, and the offer is deemed to be rejected if the borrower does not accept or reject the offer within 14 calendar days after the borrower receives the offer;

(b) A statement of any deadlines that affect the processing of an application for a foreclosure prevention alternative, including, without limitation, the deadline for submitting any missing documentation; and

(c) A statement of the expiration dates for any documents submitted by the borrower.

3. If a borrower submits an application for a foreclosure prevention alternative but does not initially submit all the documents or information required to complete the application, the mortgage servicer must:

(a) Include in the initial acknowledgment of receipt of the application required by subsection 2 a statement of any deficiencies in the borrower's application; and

(b) Allow the borrower not less than 30 calendar days to submit any documents or information required to complete the application.

Sec. 13. *1. If a borrower submits an application for a foreclosure prevention alternative offered by, or through, the borrower's mortgage servicer or mortgagee or the beneficiary of the deed of trust, then the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person may not commence a civil action for* ~~*[the recovery of any debt, or for the enforcement of any right, under]*~~ *a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan* , ~~*[that is not barred by NRS 40.430,]*~~ *record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until one of the following has occurred:*

(a) The borrower fails to submit all the documents or information required to complete the application within 30 calendar days after the date

of the initial acknowledgment of receipt of the application sent to the borrower pursuant to section 12 of this act.

(b) The mortgage servicer , mortgagee or beneficiary of the deed of trust makes a written determination that the borrower is not eligible for a foreclosure prevention alternative, and any appeal period pursuant to subsection ~~[4]~~ 5 has expired.

(c) The borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the date ~~[of]~~ on which the offer ~~[.]~~ is received by the borrower.

(d) The borrower accepts a written offer for a foreclosure prevention alternative, but defaults on, or otherwise breaches the borrower's obligations under, the foreclosure prevention alternative.

2. Not later than 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative, the mortgage servicer shall submit to the borrower a written offer for a foreclosure prevention alternative or the written statement of the denial of the application described in subsection 4. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

3. If a borrower accepts an offer for a foreclosure prevention alternative, the mortgage servicer must provide the borrower with a copy of the complete agreement evidencing the foreclosure prevention alternative, signed by the mortgagee or beneficiary of the deed of trust or an agent or authorized representative of the mortgagee or beneficiary.

~~[3.]~~ 4. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer must send to the borrower a written statement of:

(a) The reason or reasons for the denial;

(b) The amount of time the borrower has to request an appeal of the denial, which must be not less than 30 days; and

(c) Instructions regarding how to appeal the denial, including, without limitation, how to provide evidence that the denial was in error.

~~[4.]~~ 5. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust, or an authorized agent of such a person may not commence a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan , ~~[that is not barred by NRS 40.430,]~~ record a notice of default and election to sell pursuant to

subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until the later of:

(a) Thirty-one calendar days after the borrower is sent the written statement required by subsection [3.] 4; and

(b) If the borrower appeals the denial, the later of:

(1) Fifteen calendar days after the denial of the appeal;

(2) If the appeal is successful, 14 calendar days after a first lien loan modification or another foreclosure prevention alternative offered after appeal is [declined] rejected by the borrower; and

(3) If the appeal is successful and a first lien loan modification or another foreclosure prevention alternative is offered and accepted, the date on which the borrower fails to timely submit the first payment or otherwise breaches the terms of the offer.

[5.] 6. If the borrower appeals the denial of a complete application for a foreclosure prevention alternative, not later than 30 calendar days after the borrower requests the appeal, the mortgage servicer must submit to the borrower a written offer for a foreclosure prevention alternative or a written denial of the appeal. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the written offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

7. A mortgage servicer shall not charge or collect any:

(a) Application, processing or other fee for a foreclosure prevention alternative; or

(b) Late fees for periods during which:

(1) A foreclosure prevention alternative is under consideration or a denial is being appealed;

(2) The borrower is making timely payments under a foreclosure prevention alternative; or

(3) A foreclosure prevention alternative is being evaluated or exercised.

[6.] 8. A mortgage servicer is not required to evaluate an application from a borrower who has already been evaluated or afforded a fair opportunity to be evaluated for a foreclosure prevention alternative before October 1, 2013, or who has been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of this section, unless:

(a) There has been a material change in the borrower's financial circumstances since the date of the borrower's previous application; and

(b) That change is documented by the borrower and submitted to the mortgage servicer.

~~*[7.]*~~ *9. For purposes of this section, an application is complete when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer.*

Sec. 14. *1. If a borrower requests a foreclosure prevention alternative, the mortgage servicer must promptly establish a single point of contact and provide to the borrower one or more direct means of communication with the single point of contact.*

2. A single point of contact is responsible for:

(a) Communicating the process by which a borrower may apply for an available foreclosure prevention alternative and the deadline for any required submissions to be considered for the foreclosure prevention alternatives.

(b) Coordinating receipt of all documents associated with the available foreclosure prevention alternatives and notifying the borrower of any missing documents necessary to complete an application for a foreclosure prevention alternative.

(c) Having access to current information and personnel sufficient to timely, accurately and adequately inform the borrower of the current status of the foreclosure prevention alternative.

(d) Ensuring that the borrower is considered for all foreclosure prevention alternatives offered by, or through, the mortgage servicer and for which the borrower is or may be eligible.

(e) Having access to a person or persons with the ability and authority to stop the foreclosure process when necessary.

3. A single point of contact must remain assigned to the borrower's account until the mortgage servicer determines that all foreclosure prevention alternatives offered by, or through, the mortgage servicer have been exhausted or the borrower's account becomes current.

4. The mortgage servicer shall ensure that a single point of contact refers and transfers a borrower to an appropriate supervisor upon request of the borrower, if the single point of contact has a supervisor.

5. If the responsibilities of a single point of contact are performed by a team of personnel, the mortgage servicer must ensure that each member of the team is knowledgeable about the borrower's situation and current status in the process of seeking a foreclosure prevention alternative.

6. As used in this section, "single point of contact" means a ***natural*** *person or* ***a*** *team of personnel each of whom has the ability and authority to perform the responsibilities described in this section.*

Sec. 15. *1.* ~~*[The mortgage servicer, mortgagee or beneficiary of the deed of trust shall cause to]*~~ ***A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential***

mortgage loan must be dismissed ~~[with]~~ without prejudice , ~~[a civil action commenced for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430, or cause to be withdrawn]~~ any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 ~~[,]~~ must be rescinded, and ~~[shall cancel]~~ any pending foreclosure sale ~~[,]~~ must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;

(c) If mediation pursuant to section 18 of this act is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of section 13 of this act, and any appeal period pursuant to subsection 5 of section 13 of this act has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is ~~[withdrawn,]~~ rescinded, or any pending foreclosure sale is

cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 16. *1. If a trustee's deed upon sale has not been recorded* , ~~[pursuant to subsection 9 of NRS 107.080,]~~ *a borrower may bring an action for injunctive relief to enjoin a material violation of sections 2 to 16, inclusive, of this act. If a sheriff has not recorded the* certificate of the *sale of the property* , ~~[pursuant to subsection 5 of NRS 40.430,]~~ *a borrower may obtain an injunction to enjoin a material violation of sections 2 to 16, inclusive, of this act. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined* ~~[entity]~~ person *may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.*

2. After a trustee's deed upon sale has been recorded ~~[pursuant to subsection 9 of NRS 107.080]~~ *or after a sheriff has recorded the* certificate of the *sale of the property* , ~~[pursuant to subsection 5 of NRS 40.430,]~~ *a borrower may bring a civil action in the district court in the county in which the property is located to recover his or her actual economic damages resulting from a material violation of sections 2 to 16, inclusive, of this act by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale* ~~[pursuant to subsection 9 of NRS 107.080]~~ *or the recording of the* certificate of *sale of the property pursuant to* ~~[subsection 5 of]~~ *NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of $50,000.*

3. A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of sections 2 to 16, inclusive, of this act that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale ~~[pursuant to subsection 9 of NRS 107.080]~~ *or the recording of the* certificate of *sale of the property pursuant to* ~~[subsection 5 of]~~ *NRS 40.430.*

4. A violation of sections 2 to 16, inclusive, of this act does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.

5. A signatory to a consent judgment entered in the case entitled United States of America et al. v. Bank of America Corporation et al., filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant terms of the Settlement Term Sheet of that consent judgment with respect to the borrower who brought an action pursuant to this section while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act. If the consent judgment is modified or amended on or after October 1, 2013, to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment, a signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act.

6. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

7. The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Sec. 16.5. 1. No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.4634.

Sec. 17. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~[and]~~

(b) ***If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, contain the declaration required by subsection 6 of section 11 of this act; and***

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address

of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~[90]~~ ***45*** days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~[30]~~ ***15*** days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~[120]~~ ***60*** days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees

charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 18. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If ~~[an]~~ a civil action for ~~[the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate that is not barred by NRS 40.430]~~ a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing is commenced in a court of competent jurisdiction:

(a) The copy of the complaint served on the ~~[defendant]~~ mortgagor must include a separate document containing:

(1) Contact information which the ~~[defendant]~~ mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(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 ~~[plaintiff]~~ mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the ~~[defendant]~~ mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the ~~[grantor or the person who holds the title of record]~~ mortgagor may use to comply with the provisions of subsection 2; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

2. The ~~[defendant]~~ mortgagor shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 1 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the ~~[plaintiff]~~ mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the ~~[defendant]~~ mortgagor to enter into mediation 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. The judicial foreclosure action must be stayed until the completion of the mediation. If the ~~[defendant]~~ mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

3. 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 of NRS 107.086. The plaintiff or a representative, and the ~~[defendant]~~ mortgagor or his or her representative, shall attend the mediation. ~~[The plaintiff shall bring to the mediation the original or a certified copy of the mortgage or deed of trust, the mortgage note and each assignment of the mortgage or deed of trust or mortgage note.]~~ If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

4. If the plaintiff 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 3]~~ or does not have the authority or access to a person with the authority required by subsection 3,

the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the ~~[beneficiary of the deed of trust]~~ plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

5. If the ~~[defendant]~~ mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the ~~[plaintiff]~~ mortgagor had not elected to enter into mediation.

6. 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 court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

7. The rules adopted by the Supreme Court pursuant to subsection 8 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

8. Except as otherwise provided in subsection 10, the provisions of this section do not apply if:

(a) The ~~[defendant]~~ mortgagor 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 defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

9. A noncommercial lender is not excluded from the application of this section.

10. 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.

11. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 19. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive ~~[.]~~ ***, and section 18 of this act.*** In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 20. NRS 40.433 is hereby amended to read as follows:

40.433 As used in NRS 40.430 to 40.459, inclusive, ***and section 18 of this act,*** unless the context otherwise requires, a "mortgage or other lien" includes a deed of trust, but does not include a lien which arises pursuant to chapter 108 of NRS, pursuant to an assessment under chapter 116, 117, 119A or 278A of NRS or pursuant to a judgment or decree of any court of competent jurisdiction.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. Sections 2 to 16, inclusive, of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013, and to a judicial foreclosure action commenced on or after October 1, 2013.

2. The amendatory provisions of section 17 of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013.

3. The amendatory provisions of section 18 of this act apply only to an action commenced on or after October 1, 2013.

Sec. 31. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 748.

AN ACT relating to judgments; authorizing a court to issue an order permitting a judgment debtor to pay a judgment in installments under certain circumstances; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a court to allow a person who has had a judgment for the payment of money entered against him or her to pay the judgment in installments from income or property that is not exempt from execution if the court determines that the defendant is unable to pay the judgment.

Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek are exempt from execution. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) **Sections 2-4 and 6, 8 and 9** of this bill increase the exemption to 85 percent of a judgment debtor's disposable earnings for any workweek if the gross annual salary or wage of the debtor is ~~[$50,000]~~ **$40,000** or less.

Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of the foreign judgment with the clerk of any district court of this State. (NRS 17.330-17.400) **Section 5** of this bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.

Existing law exempts annuity benefits from certain claims of the annuitant's creditors under certain circumstances. (NRS 687B.290) **Section 10** of this bill subjects certain amounts of annuity benefits to execution by certain creditors of the annuitant.

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

Section 1. Chapter 21 of NRS is hereby amended by adding thereto a new provision to read as follows:

1. A judge of any court having jurisdiction at the time of the entry of a judgment, upon proper showing made by the defendant with both parties or their attorneys present in court, may make a written order permitting the judgment debtor to pay the judgment in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay.

2. Upon compliance by the judgment debtor with the provisions of this section and the court rules, a judge of any court may issue an order permitting a judgment debtor to pay in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay, any judgment previously entered by his or her court or filed in his or her court pursuant to NRS 17.350.

3. At any time after the entry of a judgment by a court or the filing of a judgment in a court pursuant to NRS 17.350, a judgment debtor may file a petition with the clerk of the court in which the judgment was entered or filed requesting the clerk to issue a notice, directed to the judgment

creditor. The petition must include an affidavit of the judgment debtor setting forth the judgment debtor's inability to pay the judgment from that portion of the judgment debtor's income or property which is not exempt from execution.

4. A notice issued pursuant to subsection 3 must notify the judgment creditor of the day and time of a hearing to allow the judgment debtor to pay the judgment in installments. The notice must be served on the judgment creditor not later than 4 days before the date set for the hearing on the petition, by placing the notice in the United States mail in an envelope properly stamped and addressed to the judgment creditor or the agent or attorney of the judgment creditor.

5. Except as otherwise provided by court order, a writ of execution or a writ of garnishment may not be issued on the judgment after the filing of a petition pursuant to subsection 3.

Sec. 2. NRS 21.025 is hereby amended to read as follows:

21.025 A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of the Court)
(Number and abbreviated title of the case)
EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the sheriff of ..... County.

Greetings:

To FINANCIAL INSTITUTIONS: This judgment is for the recovery of money for the support of a person.

On .....(month).....(day).....(year), a judgment was entered by the above-entitled court in the above-entitled action in favor of ..... as judgment creditor and against ..... as judgment debtor for:

$.....principal,
$.....attorney's fees,
$.....interest, and
$.....costs, making a total amount of
$.....the judgment as entered, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$.....accrued interest, and

$.....accrued costs, together with $..... fee, for the issuance of this writ, making a total of $.....as accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of

$.....

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of

$.....

actually due on the date of the issuance of this writ, of which

$.....

bears interest at ..... percent per annum, in the amount of $..... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF ..... COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, ***85 percent of the disposable earnings of the debtor during that week if the gross annual salary or wage of the debtor is ~~[$50,000]~~ $40,000 or less,*** 75 percent of the disposable earnings of the debtor during that week ***if the gross annual salary or wage of the debtor exceeds ~~[$50,000,]~~ $40,000*** or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This ..... day of the month of ..... of the year .....

....., Clerk.

By....., Deputy Clerk.

Sec. 3. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those

exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

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

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to

a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[~~Seventy five~~]~~ ***Eighty-five*** percent of the take-home pay for any workweek ~~[,]~~ ***if your gross annual salary or wage is ~~[$50,000]~~ $40,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds ~~[$50,000,]~~ $40,000*** unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

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

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

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

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

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

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

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

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to

make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

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

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

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

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

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

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 4. NRS 21.090 is hereby amended to read as follows:

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

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

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

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

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

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

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

(g) For any workweek, ***85 percent of the disposable earnings of a judgment debtor during that week if the gross annual salary or wage of the judgment debtor is*** ~~***[$50,000]***~~ ***$40,000 or less,*** 75 percent of the disposable earnings of a judgment debtor during that week ~~[,]~~ ***if the gross annual salary or wage of the judgment debtor exceeds*** ~~***[$50,000,]***~~ ***$40,000*** or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

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

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

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

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

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

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

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

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

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

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

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

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

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

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

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

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

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

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) If a trust contains a spendthrift provision:

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

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

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

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

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

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

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

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

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

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

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

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

Sec. 5. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any judgment debtor who is a resident of this State and who maintains an account or any other property at a branch of a financial institution located in this State or whose earnings are derived from employment in this State may bring a civil action against a judgment creditor under a foreign judgment, if the judgment creditor, without satisfying the requirements of NRS 17.330 to 17.400, inclusive, has obtained a writ of garnishment to satisfy all or part of the foreign judgment from:

(a) The earnings of the judgment debtor derived from employment in this State; or

(b) Money in the account or any other property maintained by the judgment debtor at a branch of a financial institution located in this State.

2. A judgment debtor who prevails in an action brought under this section may recover from the judgment creditor damages equal to two times any amount paid to the judgment creditor under the writ of garnishment. If the judgment debtor prevails in an action brought under this section, the court must award reasonable attorney's fees and costs to the plaintiff.

3. As used in this section, "foreign judgment" has the meaning ascribed to it in NRS 17.340.

Sec. 6. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

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

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[~~Seventy-five~~]~~ ***Eighty-five*** percent of the take-home pay for any workweek ~~[,]~~ ***if your gross annual salary or wage is ~~[$50,000]~~ $40,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds ~~[$50,000,]~~ $40,000*** unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

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

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

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

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

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and

maintenance of a child, whether collected by the judgment debtor or the State.

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

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the interest has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

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

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

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

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

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

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days

after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within 7 judicial days after the objection to the claim of exemption and notice for a hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 7. NRS 31.060 is hereby amended to read as follows:

31.060 Subject to the requirements of NRS 31.045, the sheriff to whom the writ is directed and delivered shall execute it without delay, and if the undertaking mentioned in NRS 31.040 is not given, as follows:

1. Real property must be attached by leaving a copy of the writ with the occupant of the property or, if there is no occupant, by posting a copy in a conspicuous place on the property and recording the writ, together with a description of the property attached, with the recorder of the county.

2. Personal property must be attached:

(a) By taking it into immediate custody, and, if directed by the plaintiff, using the services of any company which operates a tow car, as defined in

NRS 706.131, or common motor carrier, as defined in NRS 706.036, to transport it for storage in a warehouse or storage yard that is insured or bonded in an amount not less than the full value of the property; or

(b) By placing a keeper in charge of a going business where the property is located, with the plaintiff prepaying the expense of the keeper to the sheriff, during which period, the defendant, by order of the court or the consent of the plaintiff, may continue to operate in the ordinary course of business at the defendant's own expense if all sales are for cash and the full proceeds are paid to the keeper for the purpose of the attachment.

➥ If the property is stored pursuant to paragraph (a), the property must be segregated from other property and marked by signs or other appropriate means indicating that it is in the custody of the sheriff.

3. Any mobile home, as defined in NRS 40.215, must be attached by:

(a) Posting a copy of the writ in a conspicuous place on the mobile home;

(b) Taking it into immediate custody, subject to the provisions of subsection 2; or

(c) Placing a keeper in charge of the mobile home for 2 days, with the plaintiff prepaying the expense of the keeper to the sheriff:

(1) During which period, the defendant may continue to occupy the mobile home; and

(2) After which period, the sheriff shall take the mobile home into the sheriff's immediate custody, subject to the provisions of subsection 2, unless other disposition is made by the court or the parties to the action.

4. Debts and credits, due or to become due, and other personal property in the possession or under the control of persons other than the defendant must be attached by service of a writ of garnishment as provided in NRS 31.240 to 31.460, inclusive ~~.]~~ ***, and section 5 of this act.***

Sec. 8. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to be submitted with any writ of execution, attachment or garnishment to the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants.....

,

or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:.....

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as

defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the garnishable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly:__[B]Biweekly: __ [C] Semimonthly: __ [D] Monthly: __

(1) Gross Earnings $.....

(2) Deductions required by law (not including child support) $.....

(3) Disposable Earnings [Subtract line 2 from line 1] $.....

(4) Federal Minimum Wage $.....

(5) Multiply line 4 by 50 $.....

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1 $.....

[B] Multiply line 5 by 2 $.....

[C] Multiply line 5 by 52 and then divide by 24 $.....

[D] Multiply line 5 by 52 and then divide by 12 $.....

(7) Subtract line 6 from line 3 $.....

This is the attachable earnings. This amount must not exceed ~~[~~25%~~]~~ ***15 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage is ~~[$50,000]~~ $40,000 or less or 25 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage exceeds*** ~~[~~of the disposable earnings from line 3.~~]~~ ~~*[$50,000.]*~~ ***$40,000.***

Answer:.....

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer:.....

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which

.....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer:.....

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, $400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:.....

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:.....

Garnishee

I (insert the name of the garnishee), declare under penalty of perjury that the answers to the foregoing interrogatories by me subscribed are true and correct.

(Signature of garnishee)

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. The garnishee shall submit his or her answers to the judgment debtor within the same time. If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 9. NRS 31.295 is hereby amended to read as follows:

31.295 1. As used in this section:

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

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

2. The maximum amount of the aggregate disposable earnings of a person which are subject to garnishment may not exceed:

(a) ***Fifteen percent of the person's disposable earnings for the relevant workweek if the person's gross annual salary or wage is ~~[$50,000]~~ $40,000 or less;***

(b) Twenty-five percent of the person's disposable earnings for the relevant workweek ~~[; or~~

~~(b)]~~ ***if the person's gross annual salary or wage exceeds ~~[$50,000;]~~ $40,000; or***

(c) The amount by which the person's disposable earnings for that week exceed 50 times the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable,

➥ whichever is less.

3. The restrictions of subsection 2 do not apply in the case of:

(a) Any order of any court for the support of any person.

(b) Any order of any court of bankruptcy.

(c) Any debt due for any state or federal tax.

4. Except as otherwise provided in this subsection, the maximum amount of the aggregate disposable earnings of a person for any workweek which are subject to garnishment to enforce any order for the support of any person may not exceed:

(a) Fifty percent of the person's disposable earnings for that week if the person is supporting a spouse or child other than the spouse or child for whom the order of support was rendered; or

(b) Sixty percent of the person's disposable earnings for that week if the person is not supporting such a spouse or child,

➥ except that if the garnishment is to enforce a previous order of support with respect to a period occurring at least 12 weeks before the beginning of the workweek, the limits which apply to the situations described in paragraphs (a) and (b) are 55 percent and 65 percent, respectively.

Sec. 10. NRS 687B.290 is hereby amended to read as follows:

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except as to ***amounts listed as an asset on an application for a loan or pledged as payment for a loan or*** amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office ***within 1 year after the annuitant makes a payment to the insurer or*** prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 749.

AN ACT relating to real property; authorizing the owner of a single-family dwelling to request the servicer of a mortgage or deed of trust to produce certified copies of certain loan-related documents under certain circumstances; authorizing the owner to report noncompliance to certain state regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates loans secured by mortgages or deeds of trust on real property and imposes certain requirements on lenders and servicers concerning those mortgages or deeds of trust. (Chapters 106 and 107 of NRS) Existing law also authorizes the Division of Mortgage Lending and the Division of Financial Institutions of the Department of Business and Industry

to license and regulate certain lenders and servicers. (Chapters 645B, 645E and 645F of NRS, titles 55 and 56 of NRS)

This bill amends the respective statutory chapters governing mortgages and deeds of trust to provide that under certain circumstances, the owner of a single-family dwelling that is subject to a mortgage or deed of trust may submit a written request to the servicer of the mortgage or deed of trust for a certified copy of the note, the mortgage or deed of trust and each assignment of the mortgage or deed of trust. **Not later than 10 days after receipt of such a request, the servicer must provide to the owner of the single-family dwelling the identity, address and any other contact information of the current owner or assignee of the note and the mortgage or deed of trust.** If the servicer does not provide the requested documents within ~~[60]~~ **30** days after receipt of the request, or if those documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions, whichever is appropriate, which may take whatever actions it deems necessary and proper, including enforcing any applicable laws or regulations or adopting any additional regulations.

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

Section 1. Chapter 106 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgagor may submit a written request to the servicer of the mortgage for a certified copy of the note, the mortgage and all assignments of the note and mortgage if:

(a) The real property subject to the mortgage is a single-family dwelling;

(b) The mortgagor is the owner of record of the real property;

(c) The mortgagor currently occupies the real property as his or her principal residence; and

(d) The servicer or mortgagee is a banking or financial institution or any other business entity that is licensed, registered or otherwise authorized to do business in this State.

2. Not more than 10 days after receipt of a written request pursuant to subsection 1, the servicer of the mortgage shall provide to the mortgagor the identity, address and any other contact information of the current owner or assignee of the note and mortgage.

3. If the servicer of the mortgage does not provide a certified copy of each document requested pursuant to subsection 1 within ~~[60]~~ 30 days after receipt of the request, or if the documents provided by the servicer

indicate that the mortgagee does not have a recorded interest in or lien on the real property which is subject to the mortgage:

(a) The mortgagor may report the servicer and the mortgagee to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

~~*[3.]*~~ ***4. As used in this section, "banking or financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.***

Sec. 2. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A grantor of a deed of trust may submit a written request to the servicer of the deed of trust for a certified copy of the note, the deed of trust and all assignments of the note and deed of trust if:

(a) The real property subject to the deed of trust is a single-family dwelling;

(b) The grantor is the owner of record of the real property;

(c) The grantor currently occupies the real property as his or her principal residence; and

(d) The servicer or beneficiary of the deed of trust is a banking or financial institution or any other business entity that is licensed, registered or otherwise authorized to do business in this State.

2. Not more than 10 days after receipt of a written request pursuant to subsection 1, the servicer of the deed of trust shall provide to the grantor the identity, address and any other contact information of the current owner or assignee of the note and deed of trust.

3. If the servicer of the deed of trust does not provide a certified copy of each document requested pursuant to subsection 1 within ~~*[60]*~~ ***30 days after receipt of the request, or if the documents provided by the servicer indicate that the beneficiary of the deed of trust does not have a recorded interest in or lien on the real property which is subject to the deed of trust:***

(a) The grantor of the deed of trust may report the servicer and the beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

~~[3.]~~ 4. As used in this section, "banking or financial institution" has the meaning ascribed to it in section 1 of this act.

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, re-engrossed and to third reading.

Senate Bill No. 405.

Bill read second time.

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

Amendment No. 598.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires various state and local officers and agencies to submit reports to the Legislative and Executive Departments of the State Government. Sections **~~[2-39]~~ 2-38 and 39** of this bill eliminate the requirement for the submission of certain obsolete and redundant reports. **~~[Section]~~**

In addition, section 1 of this bill requires the Director of the Legislative Counsel Bureau to **review existing law and** develop recommendations for the elimination or revision of **~~[the requirement for the]~~ any other provisions that require** submission of **~~[certain other]~~** obsolete and redundant reports. Section 1 further requires: (1) the recommendations to be presented biennially to the Legislative Commission; and (2) the Legislative Commission, as it deems appropriate, to request the preparation of a bill draft to facilitate the recommendations.

During this session, the Legislature passed Assembly Bill No. 350, which requires the Legislative Commission to review certain requirements in existing law for submitting reports to the Legislature and to determine whether such requirements should be repealed, revised or continued. Section 38.5 of this bill amends A.B. 350 to require the Legislative Commission to consider, in addition to other criteria, the recommendations made by the Director pursuant to section 1 of this bill regarding the elimination or revision of requirements in existing law for submitting reports to the Legislature.

Section 1 of Senate Bill No. 405 is hereby amended as follows:

Section 1. Chapter **~~[220]~~ 218D** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director ~~[of the Legislative Counsel Bureau]~~ shall develop recommendations for the:

(a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and

(b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.

2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:

(a) The length of time the requirement has been in existence and whether the requirement remains relevant;

(b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and

(c) Any other criteria determined by the Director to be appropriate.

3. The Director's recommendations, if any, must be ~~[presented]~~ :

(a) Presented to the Legislative Commission on or before July 1 of each even-numbered year ~~[.]~~ ; and

(b) Considered by the Legislative Commission when it conducts its review pursuant to section 1 of Assembly Bill No. 350 of this session of the requirements in state legislation for submitting such reports to the Legislature.

4. ~~[The]~~ Based on the Director's recommendations and its review pursuant to section 1 of Assembly Bill No. 350 of this session, the Legislative Commission shall, as it deems appropriate ~~[, request the preparation of a bill draft]~~ :

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate ~~[the]~~ its recommendations.

NEW section 38.5 of Senate Bill No. 405 is hereby added as follows:

Sec. 38.5. **Section 1 of Assembly Bill No. 350 of this session is hereby amended to read as follows:**

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

1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:

(a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or

(b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:

(1) If the requirement is being revised, the date the requirement was enacted;

(2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and

(3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.

2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:

(a) Identify and analyze any costs or benefits associated with the report;

(b) Consider the ability of the Legislature to obtain the information provided in the report from another source; ~~[and]~~

(c) Consider any recommendations made by the Director pursuant to section 1 of Senate Bill No. 405 of this session regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and

(d) Consider any other criteria determined by the Legislative Commission to be appropriate.

3. ~~[The Legislative Commission may, based]~~ Based upon its review of the requirements pursuant to subsection 2, ~~[make]~~ the Legislative Commission shall, as it deems appropriate:

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting ~~[those]~~ such reports to the Legislature should be repealed, revised or continued ~~[.]~~ ; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate its recommendations.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 410.

Bill read second time.

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

Amendment No. 775.

AN ACT relating to hypodermic devices; authorizing ~~[governmental]~~ **certain** entities ~~[and certain persons]~~ to establish a program for the safe distribution and disposal of hypodermic devices and certain other material; **requiring the county board of health or district board of health for the county in which a sterile hypodermic device program operates to establish guidelines governing such a program;** providing that the possession of a trace amount of a controlled substance is not a criminal offense in certain circumstances; removing hypodermic devices from the list of paraphernalia that is prohibited for delivery, sale, possession, manufacture or use in this State; providing that hypodermic devices may be sold or furnished without a prescription if not prohibited by federal law in certain circumstances; repealing a provision which makes it a crime to misuse a hypodermic device; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill authorizes a governmental entity, a **tax-exempt** nonprofit corporation, **a public health program, a licensed medical facility** or a person who has a **tax-exempt** nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. **Section 4.5 of this bill requires the county board of health or district board of health for the county in which a sterile hypodermic device program operates to establish guidelines governing such a program. Sections 5-7** of this bill enact provisions governing the operation of a sterile hypodermic device program, including, without limitation, the training of the staff and volunteers of the program and the devices, material and information that a program may provide. **Section 8** of this bill provides that the State, any of its political subdivisions and a sterile hypodermic device program and its staff and volunteers are exempt from civil liability relating to the operation of a sterile hypodermic device program. **Section 9** of this bill: (1) provides for the confidentiality of any record which is obtained or created in the operation of a sterile hypodermic device program; (2) provides that such records are not discoverable or admissible in criminal proceedings; (3) prohibits the use of records obtained from a sterile hypodermic device program as a basis for initiating a criminal charge, or to substantiate a criminal charge, against a person who participates in the program; and (4) provides that the staff and volunteers of a sterile hypodermic device program cannot be compelled to provide evidence in criminal proceedings concerning information known to the staff member or volunteer through the program.

Existing law prohibits the possession of a controlled substance. (NRS 453.336) **Section 11** of this bill provides that a person does not violate this provision if he or she has a trace amount of a controlled substance that is

in or on a hypodermic device that was obtained from a sterile hypodermic device program.

Existing law prohibits the delivery, sale, possession or manufacture of certain drug paraphernalia when the person engaging in the act reasonably should know that it will be used for an illegal purpose. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) **Section 12** of this bill removes hypodermic devices from the list of items that may be found to constitute drug paraphernalia.

Existing law authorizes the sale of hypodermic devices which are not restricted by federal law to being sold by prescription to be sold without a prescription for certain limited purposes. (NRS 454.480) **Section 15** of this bill removes the restrictions so that hypodermic devices may be sold or furnished without a prescription for any purpose so long as the sale of such devices is not restricted by federal law.

Section 16 of this bill repeals a provision which makes it a misdemeanor to use or allow the use of a hypodermic device for a purpose other than that for which it was purchased, because the specific uses were removed in **section 15**.

WHEREAS, The human immunodeficiency virus, hepatitis and other infectious diseases that may be transmitted through the use of unsterile hypodermic devices such as syringes and needles pose a major health threat in the United States, causing thousands of deaths and millions of dollars in preventable health care costs each year; and

WHEREAS, The lack of availability of sterile hypodermic devices is a major cause of this serious health threat; and

WHEREAS, Hundreds of studies have demonstrated that making sterile hypodermic devices available to persons who inject drugs reduces the spread of infectious disease and does not encourage drug use; and

WHEREAS, The trend among states has been to deregulate the possession, sale and use of hypodermic devices and to make such devices more accessible; and

WHEREAS, Increasing access to sterile hypodermic devices is necessary to control the spread of life-threatening infectious diseases; now, therefore,

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby declares that the purpose of sections 2 to 10, inclusive, of this act is to enable the use of sterile hypodermic devices and other related material for use among people who inject drugs for the***

purpose of reducing the intravenous transmission of diseases. The provisions of sections 2 to 10, inclusive, of this act are intended to:

1. Ensure the availability and accessibility of sterile hypodermic devices by encouraging distribution of such devices by various means.

2. Provide for the effective operation of sterile hypodermic device programs that protect the human rights of people who use such programs.

3. Guarantee that sterile hypodermic devices and other sterile injection supplies are not deemed illegal.

4. Ensure that sterile hypodermic device programs operate in harmony with law enforcement activities.

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, "sterile hypodermic device program" or "program" means a program established pursuant to section 4 of this act for the safe distribution and disposal of hypodermic devices.*

Sec. 4. *1. A governmental entity, a nonprofit corporation that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), a public health program, a medical facility or a person who has a fiscal sponsor that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), may establish a sterile hypodermic device program in this State.*

2. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Public health program" has the meaning ascribed to it in NRS 454.00973.

Sec. 4.5. The county board of health or district board of health for the county in which a sterile hypodermic device program operates shall establish guidelines governing the operation of the program which provide for, without limitation:

1. The recording of the quantities of hypodermic devices distributed and collected by the program; and

2. The procedures for the safe collection and disposal of used hypodermic devices.

Sec. 5. *A sterile hypodermic device program shall ~~[establish]~~ :*

1. Establish and follow procedures for the safe collection and disposal of used hypodermic devices and other related material pursuant to guidelines established by the county board of health or district board of health for the county in which the program operates.

2. Provide community outreach and educational programs concerning:

(a) The safer use of hypodermic devices to avoid disease and infection; and

(b) The safe disposal of hypodermic devices.

3. Report the quantities of hypodermic devices distributed and collected by the program to the State Board of Health at least semiannually.

Sec. 6. *All staff and volunteers of a sterile hypodermic device program shall complete training which includes, without limitation, the following information:*

1. The policies and procedures of the program and relevant regulations, including, without limitation, emergency and safety policies and procedures;

2. Legal and law enforcement issues and policies regarding hypodermic devices;

3. Overdose prevention, recognition and response;

4. The risk of blood-borne diseases that may result from the use of hypodermic devices;

5. Methods for preventing the transmission or contraction of blood-borne diseases;

6. The dangers of injecting drugs and the manner in which to access treatment;

7. Information concerning the human immunodeficiency virus and hepatitis virus and the prevention of the spread of these viruses;

8. The safe disposal of hypodermic devices, including, without limitation, procedures concerning accidental needle sticks; and

9. Cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgendered individuals, racial and ethnic minorities, women, sex workers and any other participant population.

Sec. 7. *A sterile hypodermic device program may provide:*

1. Sterile hypodermic devices and other related material for safer injection drug use; and

2. Information concerning:

(a) The risks associated with the use of controlled substances;

(b) Drug dependence treatment services and other health services;

(c) Support services for people with drug dependence and their families;

(d) ~~[The safer use of hypodermic devices to avoid disease and infection;~~

~~(e)]~~ Methods for preventing the transmission or contraction of blood-borne diseases;

~~[(f)]~~ (e) Employment and vocational training services and centers; and

~~[(g)]~~ (f) Legal aid services.

Sec. 8. *The State, any political subdivision thereof, a sterile hypodermic device program and the staff and volunteers thereof are not subject to civil liability in relation to any act or failure to act in connection with the operation of a sterile hypodermic device program, if the act or failure to act was in good faith for the purpose of executing the provisions*

of sections 2 to 10, inclusive, of this act, and was not a reckless act or failure to act.

Sec. 9. ***1. Any record of a person which is created or obtained for use by a sterile hypodermic device program must be kept confidential and:***

(a) Is not open for public inspection or disclosure;

(b) Must not be shared with any other person or entity without the consent of the person to whom the record relates; and

(c) Must not be discoverable or admissible during any legal proceeding.

2. A record described in subsection 1 must not be used:

(a) To initiate or substantiate any criminal charge against a person who participates in the sterile hypodermic device program; or

(b) As grounds for conducting any investigation of a person who participates in the sterile hypodermic device program.

3. The staff and volunteers of a sterile hypodermic device program shall not be compelled to provide evidence in any criminal proceeding conducted pursuant to the laws of this State concerning any information that was entrusted to them or became known to them through the program.

4. The use of any personal information of any person who participates in a sterile hypodermic device program or of the staff or volunteers of the sterile hypodermic device program in research and evaluation must be done in such a manner as to guarantee the anonymity of the person.

5. Aggregate data from a sterile hypodermic device program, including, without limitation, demographic information, the number of clients contacted and the types of referrals may be made available to the public.

Sec. 10. ***No person shall be subject to any discrimination in the operation of a sterile hypodermic device program on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, national origin, residence, frequency of injection or controlled substance used.***

Sec. 11. NRS 453.336 is hereby amended to read as follows:

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

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

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

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

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

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

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

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

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

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

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

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

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

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

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

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

5. ***It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to sections 2 to 10, inclusive, of this act.***

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

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

(b) "Sterile hypodermic device program" has the meaning ascribed to it in section 3 of this act.

Sec. 12. NRS 453.554 is hereby amended to read as follows:

453.554 ~~[As]~~

1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ~~[injecting,]~~ ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

~~[1.]~~ ***(a)*** Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

~~[2.]~~ ***(b)*** Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

~~[3.]~~ ***(c)*** Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

~~[4.]~~ ***(d)*** Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

~~[5.]~~ ***(e)*** Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

~~[6.]~~ ***(f)*** Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

~~[7.]~~ ***(g)*** Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

~~[8.]~~ ***(h)*** Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

~~[9.]~~ ***(i)*** Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

~~[~~10.~~]~~ ***(j)*** Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

~~[~~11.~~]~~ ***(k)*** Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

~~[~~(a)~~]~~ ***(1)*** Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

~~[~~(b)~~]~~ ***(2)*** Water pipes;

~~[~~(c)~~]~~ ***(3)*** Smoking masks;

~~[~~(d)~~]~~ ***(4)*** Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

~~[~~(e)~~]~~ ***(5)*** Cocaine spoons and cocaine vials;

~~[~~(f)~~]~~ ***(6)*** Carburetor pipes and carburetion tubes and devices;

~~[~~(g)~~]~~ ***(7)*** Chamber pipes;

~~[~~(h)~~]~~ ***(8)*** Electric pipes;

~~[~~(i)~~]~~ ***(9)*** Air-driven pipes;

~~[~~(j)~~]~~ ***(10)*** Chillums;

~~[~~(k)~~]~~ ***(11)*** Bongs; and

~~[~~(l)~~]~~ ***(12)*** Ice pipes or chillers.

2. The term does not include any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.

Sec. 13. NRS 453.560 is hereby amended to read as follows:

453.560 Unless a greater penalty is provided in NRS 212.160, a person who delivers or sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[~~inject,~~]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14. NRS 453.566 is hereby amended to read as follows:

453.566 Any person who uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[~~inject,~~]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a misdemeanor.

Sec. 15. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced practitioner of nursing who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold ***or furnished*** without ***a*** prescription **.** ~~[~~for the following purposes:

~~(a) For use in the treatment of persons having asthma or diabetes.~~

~~(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.~~

~~(c) For use in an ambulance or by a fire fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.~~

~~(d) For the injection of drugs in animals or poultry.~~

~~(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.~~

~~(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.~~**]**

Sec. 16. NRS 454.520 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

454.520 Misuse of hypodermic device; penalty. Any person who has lawfully obtained a hypodermic device, as provided by NRS 454.480 to 454.530, inclusive, and uses, permits or causes, directly or indirectly, such a device to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 750.

AN ACT relating to real property; revising provisions governing the sale of real property by certain banking and financial institutions after a foreclosure sale or trustee's sale; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that if a banking or other financial institution forecloses on real property, purchases that real property at the foreclosure sale or trustee's sale and intends to sell the real property for an amount less than the amount of the indebtedness, the banking or other financial institution must afford the debtor a right of first refusal if: (1) the real property is a single-family dwelling and the debtor was the owner of the real property; (2) the debtor used the loan to purchase the real property; and (3) the debtor occupied the real property continuously after obtaining the loan. Under this bill, the right of first refusal must be conditioned on the same terms that the judgment creditor or beneficiary of the deed of trust intends to accept in a subsequent sale of the real property.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the judgment creditor or the beneficiary of the deed of trust is a banking or other financial institution, purchases the real property at a foreclosure sale and intends to sell the real property for an amount less than the amount of the indebtedness, the judgment creditor or beneficiary of the deed of trust must afford the right of first refusal to the debtor or grantor of the deed of trust if:

(a) The real property is a single-family dwelling and the debtor or the grantor was the owner of the real property at the time of the foreclosure sale;

(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property; and

(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust.

2. Any right of first refusal pursuant to subsection 1 must be conditioned upon the same terms the judgment creditor or the beneficiary of the deed of trust intends to accept in a subsequent sale of the real property. As used in this subsection, "same terms" means the same price

and the same manner of financing the purchase of the real property, including, without limitation, an all-cash offer.

3. In affording any right of first refusal pursuant to subsection 1, except as otherwise provided in this subsection, the judgment creditor or beneficiary of the deed of trust must, after receiving an offer to purchase the real property that the judgment creditor or beneficiary intends to accept and before accepting that offer, attempt to communicate the terms of the offer and the right of first refusal to the debtor or grantor by certified letter to the last physical mailing address provided by the debtor or grantor to the judgment creditor or beneficiary. If, within 10 business days after receiving the certified letter, the debtor or grantor does not provide written notice to the judgment creditor or beneficiary that the debtor or grantor intends to redeem the right of first refusal, the right of first refusal is terminated and the judgment creditor or beneficiary may immediately proceed with the sale. If the debtor or grantor has moved from the real property and has not provided the judgment creditor or beneficiary with an updated physical mailing address:

(a) The debtor or grantor is not required to attempt to communicate the terms of an offer or the right of first refusal pursuant to this subsection, or make any other attempt to contact the debtor or grantor;

(b) The right of first refusal is terminated; and

(c) The judgment creditor or beneficiary may immediately proceed with the sale.

4. As used in this section:

(a) "Banking or other financial institution" has the meaning ascribed to it in NRS 40.458.

(b) "Foreclosure sale" has the meaning ascribed to it in NRS 40.462.

Sec. 2. NRS 40.451 is hereby amended to read as follows:

40.451 As used in NRS 40.451 to 40.463, inclusive, ***and section 1 of this act,*** "indebtedness" means the principal balance of the obligation secured by a mortgage or other lien on real property, together with all interest accrued and unpaid prior to the time of foreclosure sale, all costs and fees of such a sale, all advances made with respect to the property by the beneficiary, and all other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such amount constituting a lien is limited to the amount of the consideration paid by the lienholder.

Sec. 3. 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, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 642.

AN ACT relating to education; eliminating various mandates relating to schools; **revising provisions relating to the reporting of incidences of bullying, cyber-bullying, harassment and intimidation occurring at public schools; revising provisions governing the examinations of the height and weight of pupils enrolled in public schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill deletes and repeals certain provisions relating to education and thereby eliminates: (1) a requirement that the Superintendent of Public Instruction prescribe a certain form of school register, prepare pamphlet copies of laws relating to schools for various school officials and provide a certain memorandum to the board of trustees of each school district and to the governing body of each charter school (NRS 385.210); (2) a description of the duties of the board of trustees of a school district and the governing body of a charter school in response to a memorandum transmitted to it pursuant to NRS 385.210 (NRS 386.360, 386.552); (3) ~~[requirements relating to the duties of the board of trustees of a school district in response to the policies prescribed by the Department of Education for school districts and public schools regarding bullying, cyber-bullying, harassment and intimidation (NRS 388.134, 388.139); (4)]~~ a requirement, effective on July 1, 2013, that the boards of trustees of certain school districts adopt a pilot program to provide a program of small learning communities for middle school and junior high school ~~[students]~~ **pupils** (NRS 388.171); ~~[(5)]~~ **(4)** a requirement that the board of trustees of each school district adopt a policy for each middle school and junior high school in the district to provide a program of peer mentoring (NRS 388.176); ~~[(6)]~~ **(5)** a requirement that the board of trustees of each school district adopt a policy for certain pupil-led conferences (NRS 388.181); ~~[(7)]~~ **(6)** requirements relating to small learning communities for ninth grade pupils in certain larger schools (NRS 388.215); ~~[(8)]~~ **(7)** certain requirements for a policy for peer mentoring **in public high schools** (NRS 388.221); ~~[(9)]~~ **(8)** a requirement that the board of trustees of each school district and the governing body of each charter school submit the results of a certain examination of achievement and proficiency of pupils to certain persons and entities (NRS 389.560); ~~[(10) a requirement that school districts conduct examinations of the height and weight of a representative sample of certain pupils (Chapter 285, Statutes of Nevada 2009, p. 1203); (11)]~~ **(9)** provisions relating to the establishment of school attendance councils (NRS 392.129); ~~[(12)]~~ **(10)** a reporting requirement relating to

alternative schedules (Chapter 489, Statutes of Nevada 2003, p. 3219); and ~~[(13)]~~ **(11)** reporting requirements relating to the use of environmentally sensitive cleaning and maintenance products within school districts. (Chapter 244, Statutes of Nevada 2009, p. 985)

Under existing law, the board of trustees of each school district is required to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) Also under existing law, the Superintendent of Public Instruction is required to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 7 of this bill eliminates these reporting requirements, and sections 2.3 and 2.5 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Under existing law, the board of trustees of each school district is required to conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10. (NRS 392.420) This requirement is scheduled to expire on June 30, 2015. (Chapter 285, Statutes of Nevada 2009, p. 1204) Section 4.5 of this bill limits this requirement relating to the examinations of the height and weight of pupils to a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

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

Section 1. ~~[NRS 388.1325 is hereby amended to read as follows:~~

~~388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.~~

~~2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:~~

~~(a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation;~~

~~(b) The provision of training on the policies adopted by the school district pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive; or~~

~~(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 388.139 is hereby amended to read as follows:~~

~~388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, [and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying, Cyber Bullying, Harassment and Intimidation Is Prohibited in Public Schools,"] within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.]~~ **(Deleted by amendment.)**

Sec. 2.3. **NRS 385.3469 is hereby amended to read as follows:**

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

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

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

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

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

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

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

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

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

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(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 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) ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole:***

(1) The number of ~~[incidents]~~ ***reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;***

(2) 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.]~~ ***; and***

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

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

3. The annual report of accountability must:

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

(b) Be prepared in a concise manner; and

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

4. On or before 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.

Sec. 2.5. **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:

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

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

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

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

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools 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 shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school 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 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) 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) 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) 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) 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) ***For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:***

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;

(2) 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.]~~ ***; and***

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(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), 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:

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

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

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.

Sec. 3. NRS 388.221 is hereby amended to read as follows:

388.221 1. The board of trustees of each school district may adopt a policy for the public high schools in the district to provide a program of teen mentoring, which may include a component of adult mentoring, designed to:

(a) Increase pupil participation in school activities, community activities and all levels of government; or

(b) Increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school,

➥ or both.

2. ~~[Any such policy must include, without limitation:~~

~~(a) Guidelines for establishing:~~

~~(1) Eligibility requirements for pupils who participate in the program as mentors or mentees, including, without limitation, any minimum grade level for pupils who serve as mentors and any minimum grade point average that must be maintained by pupils who serve as mentors. The guidelines may not require a pupil who participates in the program to maintain a grade point average that is higher than the grade point average required for a pupil to participate in sports at the high school the pupil attends.~~

~~(2) Training requirements for pupils who serve as mentors.~~

~~(3) Incentives for pupils who serve as mentors.~~

~~(b) A requirement that each public high school which establishes a program for teen mentoring must also establish a committee to select each pupil mentor who participates in the program. The policy must provide that the committee may select a pupil who does not meet the general eligibility requirements for mentors if the members of the committee determine that the pupil is otherwise qualified to serve as a mentor.~~

~~(c) Any other provisions that the board of trustees deems appropriate.~~

~~3.~~**]** If the board of trustees of a school district has adopted a policy pursuant to subsection 1, the principal of each public high school in the district may:

(a) Carry out a program of teen mentoring in accordance with the policy prescribed by the board of trustees pursuant to subsection 1;

(b) Adopt other policies for the program of teen mentoring that are consistent with this section and the policy prescribed by the board of trustees pursuant to subsection 1; and

(c) On a date prescribed by the board of trustees, submit an annual report to the board of trustees and the Legislature that sets forth a summary of:

(1) The specific activities of the program of teen mentoring; and

(2) The effectiveness of the program in increasing pupil participation in school activities, community activities and all levels of government or in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school, as applicable to the type of program in effect at the school.

[~~4.~~**]** ***3.*** If the board of trustees of a school district has not adopted a policy pursuant to subsection 1, the principal of a public high school in the district may carry out a program of teen mentoring and take any action described in paragraph (b) or (c) of subsection **[**~~3~~**]** ***2*** if:

(a) The principal submits to the board of trustees for its approval a plan for such a program of teen mentoring that is consistent with the provisions of this section; and

(b) The board of trustees approves the plan.

[~~5.~~**]** ***4.*** A plan submitted to a board of trustees of a school district pursuant to subsection **[**~~4~~**]** ***3*** shall be deemed approved if the board of trustees does not act upon the plan within 60 days after the date on which the board of trustees receives the plan.

[~~6.~~**]** ***5.*** The board of trustees of each school district and each public high school may apply for and accept gifts, grants and donations from any source for the support of the board of trustees or a public high school in carrying out a program of teen mentoring pursuant to the provisions of this section. Any money received pursuant to this subsection may be used only for purposes of carrying out a program of teen mentoring pursuant to the provisions of this section.

~~[~~7.~~]~~ ***6.*** This section does not preclude a board of trustees of a school district or a public high school from continuing any other similar program of teen mentoring that exists on May 22, 2009.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~[~~:

~~1. Each]~~ ***each*** advisory board to review school attendance created in its county pursuant to NRS 392.126.

~~[2. If applicable, each school attendance council established pursuant to NRS 392.129.]~~

Sec. 4.5. **NRS 392.420 is hereby amended to read as follows:**

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, ***the board of trustees of*** each school district ***in a county whose population is 100,000 or more*** shall conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10 in the schools within the school district. In addition to those grade levels, ***such*** a school district may conduct examinations of the height and weight of a representative sample of pupils enrolled in other grade levels within the school district. The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with ~~[~~the~~]~~ ***each*** school ~~[~~districts~~]~~

district in a county whose population is 100,000 or more for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. Except as otherwise provided in this subsection, each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report

the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the State Health Officer in the format prescribed by the State Health Officer. If a school district ***in a county whose population is 100,000 or more*** conducts examinations of the height and weight of a representative sample of pupils enrolled in grade levels other than the grade levels required by subsection 2, the results of those examinations must not be included in the report submitted to the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 5. ~~[Section 5 of chapter 285, Statutes of Nevada 2009, at page 1204, is hereby amended to read as follows:~~

~~"Sec. 5. 1. This act becomes effective on July 1, 2009.~~

~~2. Section 1 of this act expires by limitation on June 30, [2015.]~~ ***2013.]*** **(Deleted by amendment.)**

Sec. 6. Section 38 of chapter 509, Statutes of Nevada 2011, at page 3504, is hereby amended to read as follows:

Sec. 38. 1. This section and section 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive, and 37 of this act become effective on July 1, 2011.

~~[3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.]~~

Sec. 7. 1. NRS 385.210, 386.360, 386.552, ~~[388.134,]~~ **388.1353, 388.1355,** 388.171, 388.176, 388.181, 388.215, 389.560 and 392.129 are hereby repealed.

2. Section 7 of chapter 489, Statutes of Nevada 2003, at page 3219 is hereby repealed.

3. Section 6 of chapter 244, Statutes of Nevada 2009, at page 985 is hereby repealed.

4. Section 21.3 of chapter 509, Statutes of Nevada 2011, at page 3499 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

385.210 Form of school register; dissemination of information regarding statutes and regulations relating to schools; memorandum to school districts and charter schools; preparation and publication of Department bulletin.

386.360 Preparation of plan for implementation of statutes; transmittal of information concerning statutes to parents and teachers; rules.

386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation.

~~**[** 388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to school personnel; posting of policies on Internet website; annual review and update of policies.**]**~~

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.

388.171 Pilot program for small learning communities required in certain schools.

388.176 Adoption of policy for peer mentoring.

388.181 Adoption of policy for pupil-led conferences.

388.215 Program of small learning communities required for ninth grade pupils enrolled in larger schools.

389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

392.129 Establishment of school attendance councils; membership; duties; annual report.

Section 7 of chapter 489, Statutes of Nevada 2003:

Sec. 7. 1. If the board of trustees of a school district provides a program of instruction based upon an alternative schedule pursuant to subsection 2 of section 2 of this act, the board of trustees shall, on or before December 31, 2004, submit a written report to the Superintendent of Public Instruction. The report must include:

(a) A description of the alternative schedule; and

(b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and community.

2. The Superintendent of Public Instruction shall:

(a) Compile the reports, if any, submitted pursuant to subsection 1; and

(b) On or before February 1, 2005, submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Section 6 of chapter 244, Statutes of Nevada 2009:

Sec. 6. 1. On or before January 1, 2011, the board of trustees of each school district shall prepare and submit to the Department of Education a written report regarding the implementation of the use of environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools within the school district. The report must include, without limitation:

(a) A description of the cleaning and maintenance products that were replaced, if any;

(b) A description of the environmentally sensitive cleaning and maintenance products that are used in the public schools within the school district;

(c) A description of any requests for a waiver that the school district submitted to the Department and the status of the request; and

(d) An evaluation of the effectiveness of the use of environmentally sensitive cleaning and maintenance products on the health and safety of the pupils and school personnel in the school district.

2. On or before February 1, 2011, the Department of Education shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school districts in this State. The report must include, without limitation:

(a) A compilation of the reports submitted by each school district pursuant to subsection 1; and

(b) A description of the requests for a waiver submitted by school districts to the Department pursuant to section 3 of this act, including, without limitation:

(1) The number of waivers that were granted by the Department and the justification for each waiver; and

(2) The number of waivers that were denied by the Department and the reasons for each denial.

Section 21.3 of chapter 509, Statutes of Nevada 2011:

Sec. 21.3. NRS 388.215 is hereby amended to read as follows:

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~[policy for each of those high schools]~~ ***pilot program*** to provide a program of small learning communities. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more and*** must require:

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in ninth grade.

2. The principal of ~~[each]~~ ***a*** high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 793.

SHORT FORM AMENDMENT

Sections 41 and 43.5 of this act are the only sections affected by this amendment.

Section 41 of Assembly Bill No. 67 First Reprint is hereby amended as follows:

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 sections 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.] [conduct.]~~

5. "Prostitution" means engaging in sexual conduct ***with another person in return*** for a fee ~~[.~~

~~5.]~~ ***, monetary consideration or other thing of value.***

6. "Sexual conduct" means any of the acts enumerated in subsection ~~[3.]~~ ~~*[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.]*~~ ***4.***

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.

Section 43.5 of Assembly Bill No. 67 First Reprint is hereby amended as follows:

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 ~~[10]~~ ***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.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 252.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 797.

AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (**Sections 26-29** of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) **Section 6** of this bill revises the portfolio standard to limit the use of savings

achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure. (NRS 704.78215) Section 8 of this bill excludes from the calculation of portfolio energy credit certain electricity used by a portfolio energy system for its basic operations if the portfolio energy system is placed into operation on or after January 1, 2016.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) **Section 9** of this bill revises the applicability of this provision to systems that were placed into operation on or before December 31, 2015.

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) **Section 11** of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. **Section 11** requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[, or~~

~~2. Any energy efficiency measure.]~~ ***:***

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; or

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~[~~during~~]~~ ***:***

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year ~~[~~.~~]~~ ***2015 to 2019, inclusive,*** not more than ~~[~~25~~]~~ ***20*** percent of that amount may be based on energy efficiency measures ~~[~~.~~]~~ ***;***

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal

made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this section, the amount of any electricity used by a portfolio energy system for its basic operations does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be

deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~[and]~~

2. ***The system was placed into operation on or before December 31, 2015; and***

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[, the]~~ ***:***

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures ~~[.]~~ ***;***

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the

sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. ***If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:***

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not

exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~[6.]~~ ***7.*** If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[7.]~~ ***8.*** All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 7 expands the membership of the Gaming Policy Committee to 11 members by adding a knowledgeable representative from academia. The bill also authorizes the Governor to appoint an advisory committee on gaming education consisting of not more than five members to evaluate gaming-related educational entities in Nevada and how they align with the technology and workforce needs of the gaming industry, to study the potential for using competencies and technologies developed by the educational entities and other industries, and to make recommendations to the Gaming Policy Committee. Assembly Bill 7 also includes appropriations from the State General Fund to the state Gaming Control Board and the Nevada Gaming Commission for associated operations, travel, and staffing costs.

Assembly Bill 7 was largely a project of our Gaming Law section at UNLV Boyd School of Law, and as has been our experience, the students worked very hard on this. I think they have a good bill here that accomplishes some good public policy.

Roll call on Assembly Bill No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 311 creates the Contingency Account for Victims of Human Trafficking to be administered by the Director of the Department of Health and Human Services. The bill authorizes a nonprofit agency or a local or state agency to apply to the Director for an allocation of money to be used for establishing or providing programs or services for victims of human trafficking. The bill also requires the existing Grants Management Advisory Committee to review the applications and make recommendations to the Director concerning allocations of money from the contingency account.

Roll call on Assembly Bill No. 311:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 311 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 463, as amended, expands *Nevada Revised Statutes* 353.097 to provide state agencies with authority to pay a stale claim for payroll expenses from previous fiscal years with funds appropriated in the current fiscal year. The bill, as amended, also authorizes a person

designated by the Clerk of the State Board of Examiners to perform certain duties of the Clerk for the payment of stale claims or the payment of claims from the Reserve for Statutory Contingency Account.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 463:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 470 appropriates $11.6 million from the State Highway Fund to the Nevada Highway Patrol to buy cars, motorcycles, and pickup trucks. I would be happy to answer any questions.

Roll call on Assembly Bill No. 470:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 470 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 473 provides for an additional fee to be paid to the Department of Motor Vehicles to defray the cost of producing license plates. The fees must be deposited into the new License Plate Factory Account. This bill also authorizes the Department to determine the amount of the fee by regulation.

The Senate Committee on Finance and Assembly Committee on Ways and Means approved the Governor's recommendation to make the License Plate Factory self-supporting by changing the funding source for the License Plate Factory from Highway Funds totaling $3.4 million over the biennium, to a new funding source based primarily on revenues collected from a new license plate fee.

The Senate Committee on Finance and Assembly Committee on Ways and Means approved a license plate fee of $3 per license plate, excluding specialty plates, which are 50 cents higher than the per-license-plate fee recommended by the Governor. The 50-cent increase will allow for the repayment of Highway Fund appropriations over a five-year period, for a $500,000 reserve recommended by the Governor in the License Plate Factory budget for cash flow purposes, and to repay the $3.8 million Capital Improvement Project for a new building to house

the License Plate Factory, if ultimately approved by the money committees, which we did just recently.

The $3 license plate fee will also allow for a small reserve for contingencies for unanticipated costs and increases in the cost of materials to produce the license plates.

Assembly Bill 473 becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 473:

YEAS—34.

NAYS—Ellison, Fiore, Livermore, Oscarson, Wheeler—5.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 473 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 482, as amended, authorizes the creation of the Interest Repayment Fund. If there is accrued interest due the federal government on advances deposited into the Unemployment Compensation Fund pursuant to NRS 612.290 and Title XII of the Social Security Act, as amended, the Administrator of the Employment Security Division shall establish an assessment on employers' taxable wages paid during the immediately preceding calendar year that will be deposited to the Interest Repayment Fund. The assessment rate will be determined by dividing the total interest accrued and payable to the federal government by 95 percent of the total taxes paid by all employers in this state during the immediate preceding calendar year. The ESD Administrator shall notify each employer of its proportional share of the assessment by June 30 of each year.

If the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all employers subject to the assessment and not accept any further payments. Any balances remaining in the Interest Repayment Fund after all payments of accrued interest have been made shall be deposited into the Unemployment Compensation Fund.

The provisions of Assembly Bill 482 do not apply to any nonprofit organization, political subdivision, or Indian Tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553.

Assembly Bill 482, as amended, becomes effective upon passage and approval. This just deals with the unemployment laws that we passed.

Roll call on Assembly Bill No. 482:

YEAS—37.

NAYS—Fiore, Wheeler—2.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 482 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Assembly Bill 499 corrects various errors in the *Nevada Revised Statutes* and the *Statutes of Nevada*.

Roll call on Assembly Bill No. 499:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 499 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 20 makes various changes concerning the State Publications Distribution Center. The measure requires every state agency and local government to provide an electronic version of its publications. If it is only available in paper form, the state agency must provide ten copies. Finally, the measure establishes requirements for the submission of documents in an electronic format to the Center.

Roll call on Senate Bill No. 20:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 20 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 22 requires that if the State Supreme Court, a district court, or a justice court in Nevada makes a ruling holding that a provision of Nevada law violates the *Nevada Constitution* or the *United States Constitution*, the prevailing party in the case must provide the Attorney General with a copy of the ruling.

It also requires the State Controller to collect restitution for extradition expenses on behalf of the Office of the Attorney General.

Roll call on Senate Bill No. 22:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 22 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 25 authorizes the Attorney General to investigate and prosecute technological crimes, pursue the forfeiture of property in relation to these crimes, and bring action to enjoin or obtain equitable relief to prevent the occurrence or continuation of technological crimes. It also revises, from a two-thirds to a simple majority, the number of members of the Technological Crime Advisory Board who must vote to approve the appointment of the Board's Executive Director.

Roll call on Senate Bill No. 25:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 25 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 36 establishes provisions to collect money owed for the repayment of fraudulently obtained benefits or to recover amounts owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation by persons who commit unemployment insurance fraud. The bill also establishes a method for the Division to collect fraudulently obtained benefits.

The measure prohibits relieving an employer's account for benefits improperly paid if he or she fails to provide all relevant facts or respond timely to a request for separation information.

Roll call on Senate Bill No. 36:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 36 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Daly

ASSEMBLYMAN DALY:

Senate Bill 39 clarifies that certain exceptions to Nevada's Open Meeting Law provided to the Nevada Commission on Homeland Security also apply to all committees appointed by the Chair of the Commission on Homeland Security. Any such committee must have prior approval of the Nevada Commission on Homeland Security prior to holding a closed meeting.

Roll call on Senate Bill No. 39:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Bill 60. Senate Bill 60 is over 90 pages in length. The floor statement is over 300 words. To be brief, it is a very good bill. The Secretary of State worked very hard with representatives of the registered agents. What they have is a bill that brings us in line with Wyoming and Delaware, and it is going to help make sure our industry is clean and that bad actors are going to have a very tough time if they try to bad act in Nevada. It really harmonizes a lot of statutes. It does a lot of good things. I am happy to answer any questions on it. Otherwise, I urge the body's support.

Roll call on Senate Bill No. 60:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Wheeler—12.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 66 makes various changes related to the powers and duties of counties. The measure allows a board of county commissioners in a county whose population is less than 15,000—currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine Counties—to authorize the use of county equipment on the property of any local government within the county if the board deems by ordinance that the use is in the county's best interest, the board and governing body of the local government enter into an interlocal agreement, and a county employee operates the equipment. Further, a board of county commissioners in these same counties may authorize the use of county highway patrols and county equipment on any private road if the board declares an emergency or the board deems by ordinance that the use is in the county's best interest in the absence of a licensed private contractor who could perform the work..

Roll call on Senate Bill No. 66:

YEAS—38.

NAYS—Fiore.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 66 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblymen Thompson, Hansen and Carlton.

ASSEMBLYMAN THOMPSON:

Senate Bill 82 acknowledges the various perspectives on the hunting of black bears in Nevada and urges proponents and opponents of the black bear hunt to engage in productive and meaningful discussions, with the goal of achieving a consensus on the proper management of Nevada's black bear population. The measure also urges the continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains, and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property. Finally, the bill urges Nevada's Board of Wildlife Commissioners to conduct its planned three-year comprehensive review of the black bear hunt following the 2013 bear hunting season, with the goal of evaluating certain scientific analyses and impacts of the hunt and making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada. This review is urged to be submitted to the Director of the Legislative Counsel Bureau for distribution to the Chairs of the Senate Committee on Natural Resources and the Assembly Committee on Natural Resources, Agriculture, and Mining.

ASSEMBLYMAN HANSEN:

I urge a no vote on S.B. 82. The bill presupposes that the Board of Wildlife Commissioners and the Department of Wildlife have not already done all of this. Having been involved in this process ever since it began about three years ago, I can assure this body that they have talked to everybody possible—the Indian tribes, the people pro and con on this whole thing—and the season they came up with was based entirely on scientific, verifiable information. The reality is this: The eastern portion of the Sierra population of black bears here in Nevada are part of the exact same herd that are in California. California harvested 1,900 black bears, including hunting in the Tahoe Basin. Trying to appease the people that are opposed to this hunt is pretty much impossible. Nevada did shut down the Tahoe portion of that hunt, trying to make them happy, and it has been a complete failure. They will never be happy. So we need to recognize that, close this wound that keeps being reopened, and let the Department of Wildlife and the Board of Wildlife Commissioners do what they do. The hunt that we have had—I think they harvested a total of only 14 bears. So it is completely scientifically justifiable, and I think this amendment kind of presupposes a fact that does not exist. The Wildlife Commission has done all this. So I would urge a no vote on this.

ASSEMBLYWOMAN CARLTON:

I rise in support of S.B. 82. Last session, when chairing the Natural Resources, Agriculture, and Mining Committee, this was a very big issue. We kept telling folks that we didn't want to go any further or make any decisions because we didn't have any data. This bill will have the Board of Wildlife Commissioners go back, look at what has happened since they have instituted the hunt and be able to have actual facts and figures so that we can have a rational discussion and hopefully be able to set some of the passions around this issue aside. I personally am not in support of the hunt, but I think we all have to stay open-minded enough to be able to look at the information that we can derive from what has happened over the last couple of years and have a rational discussion over this issue.

Roll call on Senate Bill No. 82:

YEAS—32.

NAYS—Ellison, Hansen, Hardy, Kirner, Oscarson, Stewart, Wheeler—7.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 82 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

I rise in support of Senate Bill 109. This bill makes various changes concerning off-highway vehicles [OHV]. The bill creates an OHV dealer plate, similar to an automobile dealer plate, that allows dealers to operate unregistered vehicles for the purposes of demonstrations or test drives. The bill also provides that the Commission on Off-Highway Vehicles, rather than the Department of Motor Vehicles, prescribes the form of the registration sticker or decal for off-highway vehicles, and it revises provisions regarding the size of the sticker or decal—makes it a little smaller. Registration of an OHV is not required if it is registered in another state and not located in Nevada for more than 15 days. Off-Highway Vehicles operated during daylight hours are exempted from certain requirements related to head lamps and tail lamps.

This bill also creates new exemptions from the off-highway vehicle registration process for vehicles operated solely in an organized race, festival, or other event conducted under the direction of a sanctioning body or by permit; operated or stored on privately-owned or leased land; operated while engaged in an approved search-and-rescue operation; or having an engine displacement of not more than 70 cubic centimeters.

Roll call on Senate Bill No. 109:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 109 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 135 revises provisions applying to developers of redevelopment projects if the project is within a redevelopment area of a city whose population is 500,000 or more.

Roll call on Senate Bill No. 135:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—14.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 135 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 152 allows a retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer to claim a deduction or refund of sales and use taxes to which the retailer would otherwise be entitled as a result of the failure to collect the debt that is owed.

Roll call on Senate Bill No. 152:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 152 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 155 expands a clinical professional counselor's scope of practice to include the assessment and treatment of couples or families if he or she has demonstrated competency as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

Roll call on Senate Bill No. 155:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 155 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 169 limits punishment by imprisonment in the county jail for persons convicted of a gross misdemeanor to no more than 364 days. In addition, this measure authorizes a person convicted of a gross misdemeanor before October of this year and sentenced to a one-year term in jail to petition the court for an order modifying the original sentence to a term of 364 days, for good cause shown.

Senate Bill 169 also reduces the length of time a person must wait to petition for the sealing of all records relating to a conviction for any gross misdemeanor from seven years to five years from the date of release from actual custody or discharge from probation, whichever occurs later.

Roll call on Senate Bill No. 169:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—13.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 169 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Under existing law—Chapter 396—the Board of Regents of the University of Nevada is authorized to issue revenue bonds to finance capital improvements. Senate Bill 185 increases by $79.36 million the existing principal amount of bonds and other securities that may be issued by the Board of Regents from $348,360,000 to $427,715,000 to finance certain capital construction projects at the University of Nevada, Reno. The increased bonding authority would augment existing bond capacity to fund the demolition of Getchell Library and build a student achievement center; the seismic retrofit of Manzanita Residence Hall; build an indoor multi-purpose practice facility, expand the Lombardi Recreation Center facility, and build a new residence hall.

This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 185:

YEAS—36.

NAYS—Ellison, Fiore, Wheeler—3.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 185 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 198 revises provisions relating to the practice of chiropractic. The measure provides that a chiropractic assistant may perform certain ancillary service under indirect supervision if the services are performed on an established patient; the supervising chiropractic physician is reasonably accessible by telephone, facsimile, or other electronic means; and the services are performed in the primary practice of the supervising chiropractic physician or a hospital.

A chiropractor who employs one or more assistants who perform such services must maintain certain liability insurance.

The measure requires the Chiropractic Physicians' Board of Nevada to adopt regulations concerning the circumstances under which a chiropractic assistant may perform services under indirect supervision. The Board is authorized to impose disciplinary actions against a chiropractic assistant.

Roll call on Senate Bill No. 198:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 199 provides that a person without a license who performs health care procedures or surgical procedures is guilty of a felony. If a procedure results in death, the crime is a category B felony, with no probation allowed, unless a greater penalty is provided by law. The measure also amends provisions of existing law imposing penalties for the practice of various medical professions without a license, to specify that the greater penalties provided in S.B. 199 must apply when appropriate.

Roll call on Senate Bill No. 199:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 199 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblymen Daly, Bobzien, and Hansen.

ASSEMBLYMAN DALY:

Senate Bill 208 expands the definition of "police officer" to include court bailiffs and deputy marshals of a district court or justice court.

ASSEMBLYMAN BOBZIEN:

I rise in support of Senate Bill 208. I just wanted to relay some research that you had done going back into the minutes of 2007 and some information on Assembly Bill 139. At that time, it was made clear with an amendment that bailiffs would be called district court marshals and would be category 2 peace officers. So it is clear that this is a population that has been kind of out in limbo, but it is this Legislature's understanding that they were certainly eligible for the benefits related to this bill.

ASSEMBLYMAN HANSEN:

Actually, I have a huge question on this but is there any way we could roll this until tomorrow? Frankly, I am a no on it at the moment, but what I just heard may change that. If at all possible, I would like to make that request.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that Senate Bill No. 208 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 213 requires each trap, snare, or similar device used in the taking of wild mammals to be registered with and bear a number assigned by the Nevada Department of Wildlife [NDOW]. This bill provides that any trap registration information maintained by NDOW is confidential unless required to be disclosed by law or a court order.

The bill further provides that a person who intentionally steals one or more traps with a value of less than $650 is guilty of a gross misdemeanor. And finally, the measure requires the Board of NDOW to set visitation times by regulation at least once every 96 hours.

Roll call on Senate Bill No. 213:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Munford, Oscarson, Wheeler—12.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 213 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 235 authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to scrap metal purchases within its jurisdiction. The measure requires that the system be electronically secure and accessible only to a scrap metal processor for the purpose of submitting certain information, an officer of a local law enforcement agency, and an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor.

A person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill if the actions are taken in good faith and without malicious intent. The bill further requires a person who possesses the information required to be submitted to a local law enforcement agency to keep the information confidential. A person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

Roll call on Senate Bill No. 235:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 266 prohibits each health care plan and insurance policy, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage to the insured for orally administered chemotherapy different than other types of chemotherapy.

Roll call on Senate Bill No. 266:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:04 p.m.

ASSEMBLY IN SESSION

At 3:06 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 436; Senate Bills Nos. 76, 80, 94, 162, 236, 262, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350, 351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 414, 419, 420, 421, 432, 433, 434, 436, 437, 438, 440, 441, 443, 448, 449, 450, 453, 457, 458, 459, 460, 476, 488, 489, 493, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 9, 12, 13; Senate Joint Resolution No. 15 of the 76th Session, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3; Senate Bills Nos. 7, 8, 11, 12, 13, 14, 17, 19, 23, 24, 26, 28, 29, 30, 32, 35, 37, 40, 41, 45, 46, 47, 48, 51, 53, 61, 65, 71, 74, 77, 79, 81, 86; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bailey Charter Elementary: Nicole Acebu, Samuel Avalos-Medina, Alycia Buchanan de Rodriguez, Maya Chamberlain, Alondra Cisneros Villa, Chevelle Erspamer, Gerome Garrett, Jr., Jaycee Goins, Llajayra Gomez Diaz, Graciela Herrera, Christian Hernandez Martinez, Emily Linebeck, Collin Manser, Makayla Martin, Nickolas Provencio, Armando Ramirez, Keyonni Washington, Nora Williams-Pavlatos, Anthony Bejarano, Viridiana Carmona-Palomino, Carlos Castaneda Estrada, Justin Cruz-Noguera, Jose Diaz, Iris Josephson, Katie Lawrence, Rickson Lenon, Skyler Lujan, Elizabeth Marquez, Xzorion Morgan, Michael Neve, Jacob Rodriguez Gutierrez, Citlaly Ruiz Ruvalcaba, Mauryha Saldana, Rachelle Solorzano Plascencia, Elizabeth Hoops, Lindsey Angus, Deloras McKay, Joann Wood, Thya Slusher, Kaci Lujan, Amie Erspamer, Alondra Cisneros, Lekeya Washington, Cecilia Medina, Michael Rodriguez, Samantha Manser, Jessica Middleton, and Justin Williams.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Legacy Christian School: Daniel Cline, Derek Cooley, Madelynn Uhrik, Anjelica Myers, William Ryan, Eric Stutzman, Lauren Vanderslice, Logan Lorentzen, Logan Fulton, Lisa Stone, Cyndi Cooley, Joleen Cline, and Jeff Myers.

Assemblyman Frierson moved that the Assembly adjourn until Wednesday, May 22, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:09 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly