THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 15, 2013

Senate called to order at 11:20 a.m.

President pro Tempore Parks presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Unterseher.

Let us pray.

Father God, humbly we pray for power from Heaven, that for this new week You will give these dedicated women and men wisdom, strength and skill to do their appointed tasks. We pray they will not grow weary in doing good, even when meetings are many, long and the labor seems thankless.

Help each of these willing servant leaders to protect this State we love and to help move her people forward in the continuing quest of making Nevada the greatest State in the Nation.

We pray these things in Your most holy and precious Name.

AMEN.

Pledge of Allegiance to the Flag.

The President pro Tempore announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President pro Tempore and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

KELVIN ATKINSON, *Chair*

Mr. President pro Tempore:

Your Committee on Education, to which were referred Senate Bills Nos. 59, 382, 446, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 309, 345, 442, 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 Education, to which were referred Senate Bills Nos. 240, 291, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

JOYCE WOODHOUSE, *Chair*

Mr. President pro Tempore:

Your Committee on Finance, to which were referred Senate Bills Nos. 344, 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 176, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 349, has had the same under consideration, and begs leave to report the same back without recommendation: Be re-referred to the Committee on Finance.

JUSTIN C. JONES, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

PAT SPEARMAN, *Chair*

Mr. President pro Tempore:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 229, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which were referred Senate Bills Nos. 83, 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

Mr. President pro Tempore:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 50, 67, 171, 377, 445, has had the same under consideration, and begs leave to report the same back without recommendation: Be re-referred to the Committee on Finance.

RUBEN J. KIHUEN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 12, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Assembly Concurrent Resolution No. 3.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Senator Smith moved that Assembly Concurrent Resolution No. 3 be referred to the Committee on Natural Resources.

Motion carried.

Senator Smith moved that Senate Bills Nos. 3, 50, 63, 67, 171, 308, 349, 357, 377, 385, 445, 472, 474, 475, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:44 a.m.

SENATE IN SESSION

At 11:53 a.m.

President pro Tempore Parks presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 76.

"SUMMARY—Revises provisions concerning driving under the influence of intoxicating liquor or a controlled substance. (BDR 43-366)"

"AN ACT relating to driving under the influence; ~~[providing that the violation of a local ordinance]~~ revising provisions concerning violations of local ordinances prohibiting driving under the influence of intoxicating liquor or a controlled substance; ~~[is deemed to be a violation of the state law prohibiting the same or similar conduct for all purposes other than the imposition of certain criminal penalties;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the governing body of each city to enact an ordinance adopting the penalties set forth in state law for a misdemeanor offense of driving under the influence of intoxicating liquor or a controlled substance. (NRS 484A.410) This bill specifically authorizes the governing body of each county to adopt such an ordinance. This bill also provides that a person convicted of a violation of a city or county ordinance prohibiting driving under the influence is ~~[deemed to be a violation of the state law prohibiting the same or similar conduct for all purposes other than the imposition of certain criminal penalties. Thus, under this bill, the consequences of a violation of a city or county ordinance prohibiting driving under the influence are the same as the]~~ subject to the same legal consequences as a person convicted of a violation of the state law prohibiting the same or similar conduct, including, without limitation, consequences related to the revocation of the driver's license of a person convicted of driving under the influence. (NRS 483.460)

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

Section 1. NRS 484A.410 is hereby amended to read as follows:

484A.410 *1.* The governing body of each city *or county* may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 484C.400 for similar offenses under city *or county* ordinance.

2. A person convicted of a violation of an ordinance enacted by the governing body of a city or county that prohibits the same or similar conduct as set forth in NRS 484C.110 or 484C.120 ~~[shall be deemed to be a violation of NRS 484C.110 or 484C.120 for all purposes other than the imposition of a criminal penalty pursuant to NRS 484C.400. A person convicted of a violation of such an ordinance]~~ is subject to each ~~[other]~~ provision of law that applies to a person convicted of a violation of NRS 484C.110 or 484C.120, including, without limitation, the revocation of the license, permit or privilege to drive of the person pursuant to NRS 483.460.

Sec. 2. The amendatory provisions of this act apply to a person convicted of a violation before, on or after July 1, 2013.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President pro Tempore. Amendment No. 76 to Senate Bill No. 19 enables the Nevada Department of Motor Vehicles to revoke the license of a person convicted of a driving under the influence violation under an ordinance enacted by a city or county. Amendment No. 76 merely clarifies the language of the original bill. The intent is unchanged.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.

Bill read second time.

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

Amendment No. 86.

"SUMMARY—Revises provisions governing the powers and duties of counties. (BDR 20-225)"

"AN ACT relating to counties; authorizing, under certain circumstances, the board of county commissioners of certain smaller counties to authorize the use of county equipment on the property of a local government located within the county; revising the authority of counties over property within the county; revising provisions governing the use of county highway patrols and ~~[snowplows]~~ equipment on private roads and authorizing a county to recover the related labor costs of such use; revising provisions governing the abatement of a chronic nuisance on property located within the unincorporated area of a county; revising provisions governing the abatement of a public nuisance on property located within a county; revising provisions governing the covering or removal of graffiti on residential and nonresidential property in a county; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill authorizes, under certain circumstances, the 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 that is located within the county. Existing law authorizes a board of county commissioners to make orders concerning the property of the county. (NRS 244.265) Section ~~[1]~~ 1.5 of this bill extends that authority to property within the county.

Existing law provides that a board of county commissioners may authorize the use of county highway patrols and snowplows on private roads if the board declares an emergency or deems the use to be in the best interest of the county. (NRS 244.273) Section 2 of this bill: (1) authorizes the use of county equipment on private roads under certain circumstances; (2) eliminates provisions that limit the circumstances under which such a use may be deemed to be in the best interest of the county; and ~~[(2)]~~ (3) authorizes the board to recover from the owner of the private road the related labor costs of such a use.

Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the district attorney may file a court action seeking the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county, the closure of the property where the nuisance is located or occurring, penalties against the owner of the property and any other appropriate relief. (NRS 244.3603) Section 4 of this bill eliminates certain provisions which: (1) specify the procedures and provisions that the ordinance must include; (2) specify the civil penalties and costs that may be imposed against the owner of the property; and (3) ~~[provide that such penalties and costs may be made a special assessment against the property under certain circumstances; and (4)]~~ define the term "chronic nuisance" to specify when such a nuisance exists.

Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of property within the county to take certain actions concerning the property to abate a public nuisance. (NRS 244.3605) Section 5 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures ~~[, provide the manner in which the county may recover money expended by the county to abate the nuisance and provide for the imposition of civil penalties against the owner of the property for failure to abate the nuisance;]~~ ; and (2) specify the conditions under which the county may abate the public nuisance ~~[; and (3) provide that such expenses and civil penalties are a special assessment against the property under certain circumstances.]~~

Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which officers, employees or other designees of the county may cover or remove certain graffiti on residential property. (NRS 244.36935) Section 6 of this bill eliminates certain

provisions that the ordinance must contain, including: (1) the circumstances under which the county may cover or remove such graffiti; and (2) the requirement that the county pay the cost of covering or removing the graffiti.

Existing law also authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of nonresidential property to cover or remove certain graffiti. (NRS 244.3694) Section 7 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures ~~[and provide the manner in which the county may recover money expended by the county for labor and materials used to cover or remove the graffiti;]~~ ; and (2) specify the conditions under which the county may cover or remove the graffiti.~~[; and (3) authorize the board to provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property or is a special assessment against the nonresidential property.]~~

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

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

In a county whose population is less than 15,000, the board of county commissioners may authorize the use of county equipment on the property of any local government that is located within the county if:

1. The board adopts an ordinance which sets forth its determination that such use is in the best interest of the county.

2. The board and the governing body of the local government enter into an interlocal agreement providing for the reimbursement of the county for the use of such equipment and related labor costs.

3. An employee of the county operates the equipment.

~~[Section 1.]~~ *Sec. 1.5.* NRS 244.265 is hereby amended to read as follows:

244.265 The boards of county commissioners shall have power and jurisdiction in their respective counties to make orders respecting the property ~~[of]~~ *within* the county . ~~[in conformity with any law of this State, and to take care of and preserve such property.]~~

Sec. 2. NRS 244.273 is hereby amended to read as follows:

244.273 The board of county commissioners of each county may authorize the use of county highway patrols and ~~[snowplows]~~ *equipment* on private roads if:

1. The board declares an emergency; or

2. The board ~~[deems]~~ *adopts an ordinance which sets forth its determination that* such use ~~[to be]~~ *is* in the best interest of the county .~~[.]~~ ~~[The board shall not deem such use to be in the best interest of the county unless:~~

~~(a) The equipment is being used for routine county business in the area where the private roads are located; and~~

~~(b) The use of the equipment on private roads does not interfere with the normal operations of the county.~~] *in the absence of a responsive and responsible contractor that is licensed to perform the work.*

➥ If the board authorizes the use of a county highway patrol or ~~[snowplow]~~ *equipment* on a private road pursuant to this section, the equipment must be operated by an employee of the county. The board may require the owner of the road to pay the county ~~[the prevailing rental rate]~~ for the use of such equipment ~~[.]~~ *and related labor costs.*

Sec. 3. NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 , ~~[or 244.3605,]~~ a board of county commissioners may, by ordinance ~~[, provide]~~ :

(a) Provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

(b) Provide for the imposition of civil penalties.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition *and any civil penalty that has not been collected from the owner of the property* may be made a special assessment against the real property on

which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section [:

~~(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection 6 of NRS 244.3605.~~

~~(b) "Imminent"~~] *, "imminent* danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

~~[(1)]~~ *(a)* The occupants, if any, of the real property on which the structure or condition is located; or

~~[(2)]~~ *(b)* The general public.

Sec. 4. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) ~~*[1.]*~~ Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) ~~*[2.]*~~ If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) ~~*[3.]*~~ If applicable, seek *civil* penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 [~~must:~~

~~(a) Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.~~

~~(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.~~

~~(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~] *may:*

(a) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

(b) Provide for the imposition of civil penalties.

3. [If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day,

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5.] Any *money expended to abate the condition on the property and* civil penalties that have not been collected from the owner of the property may [not] be made a special assessment against the property . [pursuant to subsection 4 by the board unless:

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90 day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

~~(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:~~

~~(I) The building or place has not been deemed safe for habitation by a governmental entity; or~~

~~(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.~~

~~(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.~~

~~(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.~~

~~(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.~~

~~(e) "Nuisance activity" means:~~

~~(1) Criminal activity;~~

~~(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;~~

~~(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;~~

~~(4) Excessive noise and violations of curfew; or~~

~~(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.~~

~~(f) "Person associated with the property" means:~~

~~(1) The owner of the property;~~

~~(2) The manager or assistant manager of the property;~~

~~(3) The tenant of the property; or~~

~~(4) A person who, on the occasion of a nuisance activity, has:~~

~~(I) Entered, patronized or visited;~~

~~(II) Attempted to enter, patronize or visit; or~~

~~(III) Waited to enter, patronize or visit,~~

~~➥ the property or a person present on the property.~~

~~(g) "Residential property" means:~~

~~(1) Improved real estate that consists of not more than four residential units;~~

~~(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or~~

~~(3) A single family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.~~

~~➥ The term does not include commercial real estate.~~]

Sec. 5. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) ~~*[1.]*~~ Repair, safeguard or eliminate a dangerous structure or condition;

(b) ~~*[2.]*~~ Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;

(c) ~~*[3.]*~~ Clear weeds and noxious plant growth; or

(d) ~~*[4.]*~~ Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 ~~[must:]~~ *may:*

(a) ~~[Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.~~

~~(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.~~

~~(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)]~~ Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

~~[(d)]~~ *(b)* Provide for *the imposition of* civil penalties ~~[for each day that]~~ *if* the owner did not abate the public nuisance . ~~[after the date specified in the notice by which the owner was required to abate the public nuisance.~~

~~3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant~~

~~to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or~~

~~(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.~~

~~4.~~] *3.* In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and [~~, except as otherwise provided in subsection 5,~~] for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the expense and civil penalties are a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

[~~5. Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection 4 unless:~~

~~(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;~~

~~(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and~~

~~(c) The amount of the uncollected civil penalties is more than $5,000.~~

~~6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:~~

~~(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or~~

~~(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.~~]

Sec. 6. NRS 244.36935 is hereby amended to read as follows:

244.36935 [~~1.~~] The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:

[~~(a)~~] *1.* Placed on the exterior of a fence or wall located on the perimeter of residential property; and

[~~(b)~~] *2.* Visible from a public right-of-way.

[~~2. An ordinance adopted pursuant to subsection 1 must provide that:~~

~~(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:~~

~~(1) The owner of the residential property consents to the covering or removal of the graffiti; or~~

~~(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:~~

~~(I) Sent by certified mail, return receipt requested; and~~

~~(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,~~

~~➥ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.~~

~~(b) The county shall pay the cost of covering or removing the graffiti.]~~

Sec. 7. NRS 244.3694 is hereby amended to read as follows:

244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:

(a) ~~*[1.]*~~ Placed on that nonresidential property; and

(b) ~~*[2.]*~~ Visible from a public right-of-way,

➥ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 ~~[must:]~~ *may:*

(a) ~~[Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and~~

~~(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.~~

~~(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)]~~ Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

(b) Provide for the imposition of civil penalties.

3. ~~[The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or~~

~~(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.~~

~~4.]~~ In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may ~~[~~:

~~(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or~~

~~(b) Make]~~ *make* the cost of covering or removing the graffiti *and any civil penalty that has not been collected from the owner of the property* a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

~~[5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:~~

~~(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and~~

~~(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.~~

~~6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.]~~

Sec. 8. This act becomes effective on January 1, 2014.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President pro Tempore. Amendment No. 86 to Senate Bill No. 66 specifies that civil penalties may be established by local ordinance and that a county may recover costs associated with abating a nuisance or other condition such as graffiti. It also provides that a local ordinance be required in order for county equipment to be used on private roads or property and that this can only be done in the absence of a private contractor who could perform the work.

Amendment No. 86 to Senate Bill No. 66 reinserts language deleted in the original bill requiring that a county employee operate the county equipment named in the bill.

Finally, Amendment No. 86 allows a Board of County Commissioners in a county whose population is less than 15,000 (currently White Pine, Pershing, Lander, Lincoln, Mineral, Storey, Eureka and Esmeralda Counties) to authorize the use of county equipment on the property of any local government within the county if: (1) the Board deems by ordinance such use to be in the best interest of the county; (2) the Board and governing body of the local government enter into an inter-local agreement; and (3) an employee of the county operates the equipment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 90.

Bill read second time.

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

Amendment No. 135.

"SUMMARY—Revises provisions relating to certain confidential information. (BDR 19-468)"

"AN ACT relating to confidential information; establishing a procedure for the submission to a local governmental entity of records which are claimed to be confidential and which are required by the entity as a condition of its consideration of an application for a license, permit or similar approval; providing for the determination of such a claim of confidentiality and the status and disposition of the records; ~~[authorizing an agency of a county to request a copy of certain confidential records from the Department of Business and Industry under certain circumstances; establishing the procedures by and conditions under which the Department must review and approve such a request;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Various provisions of existing law provide for the confidentiality of records submitted to an official or agency of the State or Federal Government. For example, NRS 534A.031 provides that exploration or subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals of the Commission on Mineral Resources and further provides that this information is confidential for 5 years after the date of filing. However, there is no similar provision making this information confidential if it is submitted to a county or other political subdivision of the State in connection with an application for a special use permit or any other license, permit or similar approval.

Where the submission to a local governmental entity of records that are otherwise declared bylaw to be confidential is required by the local governmental entity as a condition of its consideration of an application for a license, permit or similar approval, sections 6 and 7 of this bill establish an expedited process by which the applicant may assert a claim of confidentiality with respect to the records and obtain a determination of that claim from the chief legal officer or attorney of the local governmental entity. If the chief legal officer or attorney agrees that the records are confidential, section 8 of this bill requires the local governmental entity to maintain the records in confidence. If the records are determined not to be confidential, section 8 gives the applicant the choice of withdrawing the records from the possession of the local governmental entity, with the result

that the application may likewise be deemed to have been withdrawn, or waiving any claim of confidentiality and proceeding with the application.

~~[Additionally, no provision of existing law authorizes an agency of a county to request confidential information from the Department of Business and Industry for the purposes of economic development within the county. Section 9 of this bill authorizes an agency of a county to make such a request. Section 9 requires an agency that submits such a request to include with the request a statement of the basis for the request as it relates to economic development and to provide a copy of the request to the board of county commissioners of the county. Section 9 establishes the procedure by which the Department must review, approve and fulfill such a request from an agency and requires the Department to provide notice of the request to the person or governmental entity that originally submitted to the Department the confidential record which is the subject of the request. Section 9 prohibits the Department from releasing to an agency any record or portion thereof that is maintained confidentially pursuant to a provision of federal statute or regulation and requires an agency, upon receipt of a confidential record from the Department, to maintain the record confidentially in the manner provided by any applicable provision of statute or regulation.]~~

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicant" means a person or governmental entity that submits an application to a local governmental entity.*

Sec. 4. *"Application" means a request submitted by an applicant to a local governmental entity for a license, permit or any similar approval involving the exercise of governmental authority.*

Sec. 5. *"Local governmental entity" has the meaning ascribed to it in NRS 239.121.*

Sec. 6. *The records of a local governmental entity are confidential and not public books or records within the meaning of NRS 239.010 or any other provision of statute or regulation if ~~[:]~~ the records meet all of the following requirements:*

1. The records are specifically declared by a statute or regulation of this State or a federal statute or regulation to be confidential when submitted to an elected or appointed officer, institution, board, commission, bureau, council, department, division or other official or agency of the State or Federal Government;

2. The records are submitted to the local governmental entity by an applicant in connection with an application to the local governmental entity; and

3. The submission of the records is required by the local governmental entity as a condition of its consideration of the application.

Sec. 7. *1. An applicant who submits to a local governmental entity any records that the applicant believes are confidential for the purposes of sections 2 to 8, inclusive, of this act shall clearly mark the records as confidential and submit with the records a written statement describing the records and specifically identifying each provision of statute or regulation, other than section 6 of this act, that declares the records to be confidential. Regardless of whether the records are determined to be confidential, the statement prepared pursuant to this subsection is a public record for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records. The statement must also include the mailing address of the applicant, which is the applicant's address of record for the purposes of sections 2 to 8, inclusive, of this act. If that address changes at any time while the records remain in the possession of the local governmental entity, the applicant shall so notify the local governmental entity in writing.*

2. Upon its receipt of the records and the written statement required by subsection 1, the local governmental entity shall transmit the records and the statement to its chief legal officer or attorney or to the person designated by the chief legal officer or attorney to conduct the review required by this subsection. Within 5 business days after he or she receives the records and the statement of the applicant, the chief legal officer or attorney or his or her designee shall review the records and the statement, conduct any additional investigation or analysis he or she deems appropriate, and determine whether the records are confidential for the purposes of sections 2 to 8, inclusive, of this act. Pending this determination, the records must not be revealed in whole or in part to any person or governmental entity except to the extent necessary to carry out the provisions of this section, or upon the order of a court of competent jurisdiction. *The records are presumed not to be confidential unless the chief legal officer or attorney or his or her designee finds that the records, or any part thereof, are confidential based on the review of the records and the statement, and any additional investigation or analysis.*

3. The chief legal officer or attorney or his or her designee may determine for the purposes of sections 2 to 8, inclusive, of this act that the records are confidential in part and not confidential in part, in which case those records determined to be confidential and those records determined not to be confidential are subject, respectively, to the provisions of sections 2 to 8, inclusive, of this act applicable to records of that kind.

Sec. 8. *1. Upon making the determination required by section 7 of this act, the chief legal officer or attorney of the local governmental entity or his or her designee shall cause written notice of the determination, including a statement of the basis for the determination, to be mailed to the applicant at the applicant's address of record. Regardless of whether the records are*

determined to be confidential, the notice prepared pursuant to this subsection is a public record for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records. If the records are determined not to be confidential for the purposes of sections 2 to 8, inclusive, of this act, the notice must also include a copy of this section. If the records are determined to be confidential in part and not confidential in part, the notice must identify the records that have been determined not to be confidential.

2. If the records are determined to be confidential for the purposes of sections 2 to 8, inclusive, of this act:

(a) The records must not be revealed in whole or in part to any person or governmental entity except:

(1) To the extent necessary to consider and act upon the application;

(2) As authorized or required by the statute or regulation pursuant to which the records are determined to be confidential; or

(3) Upon the order of a court of competent jurisdiction.

(b) The local governmental entity shall cause the records to be mailed to the applicant at the applicant's address of record:

(1) Upon the expiration of any period of confidentiality specified in the statute or regulation pursuant to which the records are determined to be confidential; or

(2) At such time as the records are no longer required by the local governmental entity for any purpose connected with the application,

➥ whichever is earlier.

3. If the records are determined not to be confidential for the purposes of sections 2 to 8, inclusive, of this act:

(a) The applicant may elect to:

(1) Withdraw the records from the possession of the local governmental entity, which withdrawal may be deemed by the local governmental entity to constitute a withdrawal of the application; or

(2) Waive any claim of confidentiality in the records, proceed with the application and authorize the local governmental entity to retain possession of the records.

➥ The applicant must give written notice of the applicant's election to the local governmental entity within 10 business days after the date of mailing of the notice required by subsection 1.

(b) Notwithstanding the determination, unless the local governmental entity has received written notice of the applicant's waiver of any claim of confidentiality in the records, the records must not be revealed in whole or in part to any person or governmental entity except to the extent necessary to carry out the provisions of this section, or upon the order of a court of competent jurisdiction.

(c) If notice of the applicant's election pursuant to paragraph (a) is not received from the applicant by the local governmental entity within 15 business days after the date of mailing of the notice required by

subsection 1, the local governmental entity shall cause the records to be mailed to the applicant at the applicant's address of record, and the local governmental entity may thereupon deem the application to be withdrawn.

4. If the applicant waives any claim of confidentiality in the records pursuant to subsection 3, the records are public books or records for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records.

5. If the local governmental entity deems an application to be withdrawn pursuant to this section, it shall cause written notice of that action to be mailed to the applicant at the applicant's address of record within 5 business days after the date of the action. Such an action is a denial of the application for the purposes of any statute or regulation which provides for administrative or judicial review of the denial of an application of that kind. In any such review, the propriety of a determination that records are not confidential for the purposes of sections 2 to 8, inclusive, of this act is an issue properly within the scope of review.

Sec. 9. ~~[Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a county agency for economic development believes that its access to a record which:*~~

~~*(a) Is in the possession of the Department; and*~~

~~*(b) Is otherwise declared by a statute or regulation of this State to be confidential,*~~

~~*→ is reasonably necessary to enable the agency properly to perform its duties, the agency may submit a written request to the Department for a copy of the record.*~~

~~*2. An agency that submits a request pursuant to subsection 1 must:*~~

~~*(a) Make the request on its official letterhead, which must include its mailing address;*~~

~~*(b) Include with the request a written statement of the basis for the request as it relates to the duties of the agency; and*~~

~~*(c) Contemporaneously cause a copy of the request to be mailed or delivered to the board of county commissioners of the county.*~~

~~*3. Within 5 business days after it receives the request, the Department shall:*~~

~~*(a) Review the request;*~~

~~*(b) Cause a copy of the request to be mailed to the last known address of the person or governmental entity that submitted to the Department the record which is the subject of the request; and*~~

~~*(c) Determine whether to grant or deny the request.*~~

~~*→ The Department shall grant the request unless the Department determines that the agency has failed reasonably to explain its need for the requested record or the Department is required to keep the record confidential pursuant to subsection 6.*~~

~~*4. Within 5 business days after making its determination, the Department shall cause written notice of the determination, including a statement of the basis for the determination, to be mailed to the agency and the person or governmental entity that submitted the record which is the subject of the request.*~~

~~*5. If the Department grants the request, it shall cause a sealed copy of the record to be mailed to the agency not less than 30 business days, but not more than 45 business days, after the date of mailing of the notice of determination. The Department shall include with the copy a written notice conspicuously stating that the record is confidential and providing a citation to each statute or regulation of this State declaring the record to be confidential. The agency shall keep the record confidential in the manner prescribed by the applicable statute or regulation, except to the extent necessary to enable the agency properly to perform its duties.*~~

~~*6. The Department shall not provide an agency with a copy of any record which the Department is required to keep confidential pursuant to any provision of federal statute or regulation. The Department may determine for the purposes of this subsection that a record is confidential in part and not confidential in part, in which case a copy of that portion of the record which is determined not to be confidential must be provided to the agency if otherwise required by this section. If the Department is prohibited from providing the agency with a copy of a confidential record or any portion of the record pursuant to this subsection, the Department shall identify in the notice of determination each record or portion of the record which is withheld pursuant to this subsection and each provision of federal statute or regulation requiring the Department to keep the record or portion of the record confidential.*~~

~~*7. Any request submitted by an agency and any notice provided by the Department pursuant to this section is a public record for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records.*~~

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

~~*(a) "County agency for economic development" or "agency" means any agency, board, bureau, commission, council, department, division, office or similar governmental unit of a county in this State whose duties include the consideration, development or implementation of any policy relating to economic development in the county.*~~

~~*(b) "Economic development" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 244.2815.]*~~. (Deleted by amendment.)

Sec. 10. ~~[NRS 232.505 is hereby amended to read as follows:~~

~~232.505 As used in NRS 232.505 to 232.845, inclusive,~~ *and section 9 of this act,* ~~unless the context requires otherwise:~~

~~1. "Department" means the Department of Business and Industry.~~

~~2. "Director" means the Director of the Department.]~~ (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2013.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Thank you, Mr. President pro Tempore. Amendment No. 135 to Senate Bill No. 90 clarifies that a record is confidential if it meets the requirements set forth in Sections 6.1 through 6.3 of the bill as follows: (1) the record is already recognized as confidential by statute or regulation at the state or federal level; (2) the record is submitted to a local government in connection with an application to that local government; and (3) submission of the record is required in order for the application to be considered.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 163.

"SUMMARY—Revises provisions relating to off-highway vehicles. (BDR 43-467)"

"AN ACT relating to off-highway vehicles; authorizing the operation of an off-highway vehicle for the purposes of display, demonstration, maintenance, sale or exchange under certain circumstances; requiring the Department of Motor Vehicles to furnish special plates for an off-highway vehicle under certain circumstances; revising provisions governing the registration and operation of an off-highway vehicle and the licensing of an off-highway dealer, long-term lessor, short-term lessor and manufacturer; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law allows a manufacturer, distributor, dealer or rebuilder of motor vehicles to operate vehicles for the purposes of display, demonstration, maintenance, sale or exchange if the person attaches special plates to the motor vehicle. (NRS 482.320) The Department of Motor Vehicles provides those special plates to the person upon issuance of a license certificate. (NRS 482.330) Sections 2 and 3 of this bill set forth similar provisions applicable to dealers, lessors and manufacturers of off-highway vehicles.

Existing law exempts certain off-highway vehicles from registration requirements. (NRS 490.082) Section 4 of this bill exempts from registration any off-highway vehicle: (1) operated solely in an organized race, festival or other event conducted under the auspices of a sanctioning body or by permit; (2) operated or stored on privately owned or leased land; (3) operated while engaged in an approved search-and-rescue operation; or (4) that has a displacement of not more than 70 cubic centimeters.

Existing law requires that any off-highway vehicle operated on a highway must have at least one headlamp that illuminates objects at least 500 feet ahead of the vehicle and at least one tail lamp that is visible from at least 500 feet behind the vehicle. (NRS 490.120) Section 5 of this bill exempts an

off-highway vehicle from this requirement when operated during daylight hours on a highway designated by a county for the operation of the off highway vehicle without having the headlamp or tail lamp.

Existing law requires that, in order to obtain a license as a dealer, long term or short-term lessor or manufacturer of off-highway vehicles, an applicant must: (1) furnish a processing fee, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) file with the Department a bond of $50,000 or make a deposit with the Department of $50,000. (NRS 490.210, 490.270, 490.280) Section 7 of this bill exempts from the fingerprinting requirement any applicant who has previously met the same requirement as part of an application for a license to operate as a transporter, manufacturer, distributor, dealer, rebuilder, broker or salesperson of motor vehicles. (NRS 482.3163, 482.325, 482.333, 482.362) Section 8 of this bill exempts from the bond or deposit requirement any applicant who has previously filed a bond of $50,000 or more covering certain activities involving off-highway vehicles or made a deposit of $50,000 or more with the Department as part of an application for a license to operate as a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles. (NRS 482.3333, 482.345, 482.346)

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

Section 1. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in NRS 490.160, an off highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway vehicle that is otherwise required to be registered pursuant to NRS 490.082, may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in section 3 of this act. Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway vehicle displaying the special plate.*

2. A special plate which is issued to an off-highway vehicle dealer, long term or short-term lessor or manufacturer pursuant to section 3 of this act may be attached to an off-highway vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway vehicle.

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

(a) Work or service off-highway vehicles owned or controlled by an off highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except off-highway vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short term lessor or manufacturer.

(d) Off-highway vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

Sec. 3. *1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, the Department shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer one or more special plates for use on an off-highway vehicle specified in subsection 1 of section 2 of this act. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off highway vehicle.*

2. The Department shall issue to each off-highway vehicle dealer, long term or short-term lessor or manufacturer a reasonable number of special plates.

Sec. 4. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before the effective date of this section:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after the effective date of this section, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after the effective date of this section, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) The registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before the effective date of this section, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after the effective date of this section:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles ~~[;]~~ *and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to section 3 of this act;*

(c) Is registered or certified in another state and is located in this State for not more than 60 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility; ~~[or]~~

(f) Was manufactured before January 1, 1976 ~~[.]~~ *;*

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ *As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.*

4. The registration of an off-highway vehicle expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee and a late fee of $25. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 5. NRS 490.120 is hereby amended to read as follows:

490.120 ~~[In]~~

1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:

~~[1.]~~ *(a)* At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

~~[2.]~~ *(b)* At least one tail lamp that is visible from at least 500 feet behind the vehicle;

~~[3.]~~ *(c)* At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

~~[4.]~~ *(d)* A stop lamp on the rear of the vehicle; and

~~[5.]~~ *(e)* A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by a county pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

Sec. 6. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 ~~[,]~~ *or a special plate issued pursuant to section 3 of this act is attached to the vehicle;* and

3. Wear a helmet.

Sec. 7. NRS 490.210 is hereby amended to read as follows:

490.210 1. An application for a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant must furnish:

(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of $125.

(c) *Unless the applicant has previously met the requirements of subsection 3 of NRS 482.3163, paragraphs (c) and (d) of subsection 1 of NRS 482.325, paragraph (d) of subsection 1 of NRS 482.333 or paragraph (e) of subsection 1 of NRS 482.362:*

(1) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

~~[(d)]~~ *(2)* For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(e)]~~ *(d)* If the applicant is a natural person, the statement required pursuant to NRS 490.330.

~~[(f)]~~ *(e)* A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 490.330. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

Sec. 8. NRS 490.270 is hereby amended to read as follows:

490.270 1. Except as otherwise provided in *subsection 9 and* NRS 490.280, before any off-highway vehicle dealer, long-term or short-term lessor or manufacturer ~~*[who has not met the requirements of NRS 482.3333, 482.345 or 482.346 with respect to a bond or deposit greater than or equal to the amount prescribed in this subsection]*~~ is issued a license pursuant to this chapter, the Department shall require that the applicant procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General and conditioned that the applicant or any employee who acts on the applicant's behalf within the scope of his or her employment shall conduct his or her business as an off highway vehicle dealer, *long-term or short-term* lessor or manufacturer without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation and without violation of the provisions of this chapter. The bond must be in the amount of $50,000.

2. The Department may, pursuant to a written agreement with any off highway vehicle dealer, long-term or short-term lessor or manufacturer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the off-highway vehicle dealer, lessor or manufacturer if such business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or

violation of any of the provisions of this chapter by the representative or off highway vehicle salesperson of any licensed off-highway vehicle dealer, long-term or short-term lessor or manufacturer who acts on behalf of the off-highway vehicle dealer, lessor or manufacturer and within the scope of the employment of the representative or off-highway vehicle salesperson.

5. The bond must provide that any person injured by the action of the off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson in violation of any provision of this chapter may apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a person is injured by the actions of an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

7. Any judgment entered by a court against an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off highway vehicle salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for

compensation from the bond of the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

8. The Department shall not issue a license pursuant to subsection 1 to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who does not have and maintain an established place of business in this State.

9. The provisions of this section do not apply to any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has met the requirements of NRS 482.3333, 482.345 or 482.346 with respect to:

(a) A bond greater than or equal to the amount prescribed in subsection 1 if the undertaking on the bond includes the activities described in subsection 4; or

(b) A deposit greater than or equal to the amount of the bond that would otherwise be required by subsection 1.

Sec. 9. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.150 to 490.520, inclusive, *and sections 2 and 3 of this act* or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 10. This act becomes effective on July 1, 2013.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Thank you, Mr. President pro Tempore. Amendment No. 163 to Senate Bill No. 109 clarifies that an existing vehicle dealer's bond may only be used for an off-highway dealer's license if the undertaking on the existing bond covers the activities covered under Chapter 490 of *Nevada Revised Statutes*.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 40.

"SUMMARY—Makes various changes to provisions governing the termination of parental rights. (BDR 11-434)"

"AN ACT relating to domestic relations; requiring the Health Division of the Department of Health and Human Services to establish a Registry of Putative Fathers; providing for a summary petition for termination of parental rights in certain circumstances; revising various provisions governing the termination of parental rights and adoption of children of putative fathers; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 5 of this bill requires the Health Division of the Department of Health and Human Services to establish a Registry of Putative Fathers. A person who registers in the Registry is entitled to receive notice of a proceeding which is commenced in this State for the adoption of, or termination of parental rights regarding, a child. Section 5 further requires the Health Division to establish and maintain a statewide campaign to ensure that the public is aware of the existence and purpose of the Registry. Section 6 of this bill ~~[allows]~~ requires a putative father who wishes to receive notice of a proceeding for the adoption of, or termination of parental rights regarding, a child to register with the Registry by submitting a form within a certain period. Section 6.5 of this bill provides that a putative father who fails to register with, or who withdraws his registration from, the Registry: (1) waives his right to receive notice of such proceedings; (2) is not a parent whose consent must be obtained before the child may be adopted; and (3) may not allege in any such proceedings that his failure to register with the Registry is excused because he did not have notice of the pregnancy. Existing law defines the term "putative father," for purposes of provisions relating to the termination of parental rights, as any person who is or who is alleged to be the father of an illegitimate child. (NRS 128.016) Section 14 of this bill revises that definition by adding that the term "putative father" also includes a person who is not the presumed father, has not acknowledged paternity and has not been determined to be the legal father of the child. Therefore, any of those possible fathers may register with the Registry and are also included within other provisions relating to the termination of parental rights.

Section 7 of this bill allows a registrant in the Registry to withdraw his registration but provides that once withdrawn, the person may not submit another registration form for the same child. Section 8 of this bill ~~[authorizes certain agencies and persons to request a search of the Registry to determine whether a putative father has registered.]~~ provides that information contained in the Registry is confidential, except that information contained in the Registry may be provided to the persons and entities expressly authorized by section 8 to request and receive information from the Registry. Section 8 further provides for notification to the requesting ~~[agency or]~~ person or entity regarding whether a registration exists in the Registry and, if so, further provides for notification to the registrant. Under section 8, a person or entity who intentionally releases information from the Registry to a person or entity who is not authorized to receive such information is guilty of a misdemeanor.

Section 9 of this bill requires the ~~[State Board of]~~ Health Division to develop the form to be used to register with the Registry. Section 10 of this bill ~~[further]~~ requires the State Board of Health to adopt regulations to carry out the provisions relating to the establishment of the Registry and to establish certain fees relating to searching the Registry. Section 10 specifically prohibits, however, the imposition of a fee to register with, or withdraw a registration from, the Registry. ~~[Section 11 of this bill makes all information contained in the Registry confidential, but specifies certain entities and persons to whom information may be provided. Section 11 further makes it a misdemeanor to intentionally release information from the Registry to an entity or person who is not authorized to receive such information.]~~

If a child has been relinquished for adoption or is proposed to be relinquished for adoption, existing law provides a specific procedure to be followed. If the father has not consented to the adoption or is not known, the mother must petition the court to have the parental rights of the father terminated, and the court must make certain inquiries to identify and protect the interests of the natural father. If any possible father is identified, he must be provided notice. If no possible father is identified, existing law requires the court to enter an order terminating the parental rights of the unknown father. The possible father then has 6 months thereafter in which to appeal the termination of parental rights for lack of notice. After 6 months, the order may not be questioned by any person in any manner or upon any ground. (NRS 128.150)

Section 12 of this bill provides a different and expedited procedure to terminate the parental rights of a father when the mother of a child relinquishes or proposes to relinquish a child for adoption when no legal relationship has been established between the child and the father, the father cannot be identified or the child otherwise becomes the subject of an adoption proceeding. In such a case, section 12 authorizes the Attorney General or a district attorney authorized to file a petition to terminate parental rights, the agency or person to whom the child has been or is to be relinquished, or the mother or person who has custody of the child, to file a summary petition for termination of parental rights in certain circumstances. The summary petition allows the court to consider certain information and make a determination regarding whether to terminate parental rights without a hearing. Section 23 of this bill further clarifies that the summary petition may not be used if there is a presumed father, a father whose relationship to the child has been judicially determined or a father as to whom the child is a legitimate child under the prior law of this State or under the law of another state, and removes the provisions which provide the current procedure for addressing termination in the situations covered by section 12. (NRS 128.150)

When a summary petition is filed, sections 15-20 of this bill provide that the procedures otherwise required to be followed when relinquishment of a

child for adoption is sought, including publication of notice, the manner of serving notice, provision of 6 months in which to appeal an adoption and other procedural requirements, do not apply. Instead, section 12 provides a different procedure. ~~[The]~~ Before filing the summary petition, the petitioner is required to request a search of the Registry of Putative Fathers and then to send notice of the filing of a summary petition to any putative father who is identified. Such notice must inform the putative father that he has 30 days in which to appear before the court or to notify the court that he has attempted to establish parentage of the child or the court may terminate his parental rights. In addition to searching the Registry, section 12 requires the petitioner to ~~[conduct a diligent search for]~~ exercise due diligence to find any other putative father ~~[based upon information included in an affidavit provided by the mother and other reasonably accessible information.]~~ who is known to the petitioner. If a putative father is found, he must be notified of his right to register with the Registry and that the failure to register will result in the termination of his parental rights. Section 12 allows a certain period for a putative father to respond before the petition may be decided and further provides that the petition may not be decided sooner than 35 days after the birth of the child.

Existing law specifies the manner in which a court issues an order to terminate parental rights and provides that such an order is conclusive and binding. Sections 21 and 22 of this bill make those provisions applicable when a court grants a summary petition for termination of parental rights pursuant to section 12.

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

Section 1. Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *"Health Division" means the Health Division of the Department of Health and Human Services.*

Sec. 3. *"Registrant" means a putative father who has registered with the Registry pursuant to section 6 of this act.*

Sec. 4. *"Registry" means the Registry of Putative Fathers established pursuant to section 5 of this act.*

Sec. 5. *1. The Health Division shall establish a Registry of Putative Fathers.*

2. The Registry must include, without limitation, the following information pertaining to a registrant:

(a) The name of the registrant;

(b) The date of birth of the registrant;

(c) The social security number of the registrant;

(d) The name , sex and date of birth of the child who is the subject of the registration, if known;

(e) The place of birth of the child who is the subject of the registration, if known;

~~[(d)]~~ (f) *The address at which the registrant wishes to receive notice of the filing of a petition for termination of parental rights;* ~~[and~~

~~(e)]~~ (g) *The name of the mother of the child and any known aliases used by the mother* ~~[.]~~ ;

(h) *The address of the mother of the child, if known; and*

(i) *The social security number of the mother of the child, if known.*

3. A registrant is entitled to receive notice of a proceeding for the adoption of, or termination of parental rights regarding, a child which is commenced in this State.

4. The Health Division shall establish and maintain a statewide campaign to ensure that the public is aware of the existence and purpose of the Registry.

Sec. 6. *1. A person who is the putative father of a child* ~~[may]~~ *and who wishes to receive notice of a proceeding for the adoption of, or termination of parental rights regarding, the child which is commenced in this State must register with the Registry by submitting to the Health Division the registration form developed by the* ~~[State Board of]~~ *Health Division pursuant to section 9 of this act:*

(a) Before the birth of the child;

(b) Within 30 days after the birth of the child; or

(c) Within 30 days after the date on which notice is provided pursuant to subsection ~~[4]~~ *3 of section 12 of this act,*

➥ *whichever occurs later.*

2. The Health Division shall not allow a person to register with the Registry after the periods specified in subsection 1.

3. A registration form shall be deemed to be filed in the Registry at the time of receipt that is recorded on the registration form by the Health Division.

4. A registrant shall notify the Health Division of any change in the information provided with the application for registration. The Health Division shall incorporate any such information into its records, but is not required to affirmatively seek to obtain current information from a registrant for incorporation in the Registry.

Sec. 6.5. A putative father who fails to register with the Registry in accordance with the provisions of section 6 of this act or who withdraws his registration pursuant to section 7 of this act:

1. Waives his right to receive notice of a proceeding for the adoption of, or termination of parental rights regarding, a child which is commenced in this State;

2. Is not a parent whose consent must be obtained before the child may be adopted in accordance with the provisions of chapter 127 of NRS; and

3. May not allege in any proceeding brought pursuant to this chapter or chapter 127 of NRS that his failure to register with the Registry is excused because he did not have notice of the pregnancy. The fact that the putative

father had sexual intercourse with the mother of the child shall be deemed to be notice to the putative father of the pregnancy.

Sec. 7. *1. Upon receipt of a written and notarized request of a registrant to withdraw his registration from the Registry, the Health Division shall:*

(a) Remove from the Registry and destroy all information, whether tangible or intangible, pertaining to the registrant; and

(b) Refuse to disclose any information pertaining to the registrant or pertaining to the fact that the registrant registered with the Registry or requested the withdrawal of his registration.

2. A registrant who withdraws his registration pursuant to this section may not submit another registration form concerning the same child for whom he previously registered.

Sec. 8. *1. ~~[An agency described in NRS 127.050, a person who has filed a petition for termination of parental rights pursuant to this chapter or an attorney acting on behalf of such a person may request the]~~ Except as otherwise provided in this section, all information contained in the Registry is confidential and must not be released to any person.*

2. The Health Division ~~[to]~~ shall search the Registry to determine whether a putative father has registered in the Registry ~~[:~~

~~2.]~~ at the request of:

(a) The Attorney General, a district attorney, an agency described in NRS 127.050 or any other person authorized to file a petition for the termination of parental rights pursuant to this chapter or an attorney acting on behalf of such a person, if the request is made for the purpose of determining whether notice of a proceeding for the adoption of, or termination of parental rights regarding, a child must be given to a putative father;

(b) A court of competent jurisdiction or a person authorized to receive the information pursuant to an order of a court of competent jurisdiction;

(c) A person who submits a written request for the performance of the search accompanied by a notarized statement from the putative father authorizing the search; or

(d) The State, any political subdivision of the State and any agency of the State or of a political subdivision of the State that is responsible for establishing and enforcing obligations of child support, but the information released must not be used for any purpose other than establishing and enforcing obligations of child support.

3. After conducting a search of the Registry, if the Health Division determines that a person has registered as the putative father of the child, the Health Division shall:

(a) Provide the ~~[agency or]~~ person ~~[described in]~~ or entity who requested the search pursuant to subsection ~~[1]~~ 2 with a certified copy of the registration form submitted by the registrant which indicates the date and time of receipt of the registration form; and

(b) Notify the registrant by certified mail that:

(1) A ~~[petition or summary petition, as applicable, for the termination of his parental rights has been filed;~~

~~(2) A]~~ search of the Registry was conducted pursuant to this section; and

~~[(3)]~~ (2) A copy of his registration form was provided to ~~[an agency or]~~ a person ~~[described in]~~ or entity who requested the search pursuant to subsection ~~[1.]~~ 2.

~~[3.]~~ 4. After conducting a search of the Registry, if the Health Division determines that a person has not registered as the putative father of the child, the Health Division shall provide the ~~[agency or]~~ person ~~[described in]~~ or entity who requested the search pursuant to subsection ~~[1]~~ 2 with a certified statement verifying that:

(a) A search of the Registry was conducted; and

(b) No person has registered as the putative father of the child.

5. Any person or entity who intentionally releases information from the Registry to another person or entity not authorized to receive the information pursuant to this section is guilty of a misdemeanor.

Sec. 9. *1. The ~~[State Board of]~~ Health Division shall develop a form to be used to register as a putative father with the Registry. The form must require the registrant to sign under penalty of perjury affirming that the information provided with the form is true and accurate to the best of the knowledge of the registrant.*

2. The form developed by the ~~[State Board of]~~ Health Division must further state that:

(a) Timely registration entitles the registrant to be notified of a proceeding for adoption of the child or termination of parental rights pursuant to section 12 of this act.

(b) Registration does not commence a proceeding to establish paternity.

(c) Information disclosed on the form may be used against the registrant to establish paternity.

(d) Registration should also be completed in any other state where the conception or birth of the child occurred.

(e) The Health Division may assist a person to obtain information regarding a registry in another state.

(f) Services are available to establish paternity.

(g) Registration may be withdrawn pursuant to section 7 of this act.

Sec. 10. *1. The State Board of Health shall adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act, which must include, without limitation, the fees to be charged pursuant to subsection 2 in an amount sufficient to defray the cost of carrying out the provisions of sections 2 to 11, inclusive, of this act.*

2. The regulations adopted by the State Board of Health pursuant to subsection 1 must provide for a reasonable fee to:

(a) Conduct a search of the Registry; or

(b) Provide a certified copy of a registration form or a certified statement pursuant to section 8 of this act.

3. The State Board of Health shall not charge a governmental entity a fee described in subsection 2.

4. The State Board of Health shall not charge a fee for:

(a) Registering with the Registry; or

(b) Withdrawing a registration from the Registry.

~~*[4.]*~~ *5. All money received by the Health Division pursuant to subsection 2 must be deposited in the State General Fund.*

~~*[5.]*~~ *6. The Administrator of the Health Division may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of sections 2 to 11, inclusive, of this act. Any money the Administrator receives pursuant to this subsection:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out the provisions of sections 2 to 11, inclusive, of this act; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

Sec. 11. ~~*[1. Except as otherwise provided in this section and section 8 of this act, all information contained in the Registry is confidential and must not be released to any person.*~~

~~*2. [Information concerning a registrant may be released to:*~~

~~*(a) A court of competent jurisdiction.*~~

~~*(b) An agency or a person described in section 8 of this act who submits a written request for a search of the Registry.*~~

~~*(c) A person who submits a written request for the information accompanied by a notarized statement from the registrant authorizing the release of the information.*~~

~~*(d) A person authorized to receive the information pursuant to an order of a court of competent jurisdiction.*~~

~~*(e) The State, any political subdivision of the State and any agency of the State or of a political subdivision of the State that is responsible for establishing and enforcing obligations of child support, but the information released must not be used for any purpose other than establishing and enforcing obligations of child support.*~~

~~*3.] Any person or governmental entity who intentionally releases information from the Registry to another person or entity not authorized pursuant to this section is guilty of a misdemeanor.]*~~ (Deleted by amendment.)

Sec. 12. *1. If the mother of a child relinquishes or proposes to relinquish for adoption a child who does not have:*

(a) A presumed father pursuant to subsection 1 of NRS 126.051;

(b) A father whose relationship to the child has been determined by a court;

(c) A father as to whom the child is a legitimate child pursuant to chapter 126 of NRS, the prior law of this State or the law of another jurisdiction; or

(d) A father who can be identified in any other way,

➥ *or if a child otherwise becomes the subject of an adoption proceeding, the Attorney General or a district attorney authorized to file a petition to terminate parental rights pursuant to this chapter, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, may file a summary petition to terminate parental rights pursuant to this section which, if granted, will terminate the parental rights of a father without notice or a hearing.*

2. Before filing a summary petition pursuant to this section, the petitioner shall request a search of the Registry pursuant to section 8 of this act and send notice of the filing of a summary petition by certified mail to the address of any putative father identified in the Registry. The notice must include a statement in substantially the following form:

As a person who has registered with the Registry of Putative Fathers as the putative father of a child, any parental rights that you may have concerning the child will be subject to summary termination unless, within 30 days after the date on which this notice was mailed to you, you enter an appearance in or otherwise notify the court identified in the summary petition for termination of parental rights that you have attempted to establish parentage of the child.

3. If a putative father is known to the petitioner by means other than a search of the Registry, before filing a summary petition pursuant to this section, the petitioner shall exercise due diligence to find the putative father. If found, the petitioner shall notify the putative father by certified mail:

(a) Of the name of the birth mother and the date of birth or anticipated date of birth of the child;

(b) That he may be the father of the child;

(c) That the child is being placed for adoption; and

(d) That if he has any interest in establishing or asserting his parental rights, he must register with the Registry within 30 days after the birth of the child or within 30 days after the date on which notice is provided pursuant to this subsection, whichever occurs later, and that the failure to register with the Registry will result in the termination of his parental rights.

4. A summary petition to terminate parental rights must be verified, must be entitled "Summary Petition for Termination of Parental Rights" and must:

(a) Allege the facts necessary for a court to grant the petition;

(b) Contain the information set forth in NRS 128.050; and

(c) Be accompanied by an affidavit of the ~~[mother,]~~ petitioner which states:

(1) The name of each putative father of the child ~~[;]~~ , if known, including the name of each putative father of the child who is identified in the Registry;

(2) ~~[The probable place or places where conception of the child is believed to have occurred;~~

~~(3) The probable date when conception of the child is believed to have occurred;~~

~~(4) The last known address of each putative father of the child;~~

~~(5) The name of any relative or a friend of each putative father of the child, if known;~~

~~(6) The efforts, if any, by the mother to contact each putative father concerning the conception or birth of the child;~~

~~(7) The substance of any communication between the mother and each putative father concerning the conception or birth of the child;~~

~~(8) The efforts, if any, of each putative father to establish the parentage of the child;~~

~~(9) The date of any visitation between the child and each putative father; and~~

~~(10) The amount of any financial assistance provided by each putative father to the mother during the pregnancy or after the birth of the child.~~

~~3. The petitioner shall request a search of the Registry pursuant to section 8 of this act and send notice of the filing of a summary petition by certified mail to the address of any putative father identified in the Registry. The notice must contain a statement in substantially the following form:~~

~~As a person who has registered with the Registry of Putative Fathers as the putative father of a child, any parental rights that you may have concerning the child will be subject to summary termination unless, within 30 days after the date on which this notice was mailed to you, you enter an appearance in or otherwise notify the court identified in the summary petition for termination of parental rights that you have attempted to establish parentage of the child.~~

~~4. In addition to searching the Registry, the petitioner shall conduct a diligent search for the putative father before the petition is decided by the court. Such a search must be based upon the information provided in the affidavit of the mother pursuant to subsection 2 and any other reasonably accessible information. If a putative father is found pursuant to such a search, the putative father must be notified by certified mail:~~

~~(a) Of the name of the birth mother and the date of birth or anticipated date of birth of the child;~~

~~(b) That he may be the father of the child;~~

~~(c) That the child is being placed for adoption; and~~

~~(d) That if he has any interest in establishing or asserting his parental rights, he must register with the Registry within 30 days after the birth of the child or within 30 days after the date on which notice is provided pursuant to this subsection, whichever occurs later, and that the failure to register with the Registry will result in the termination of his parental rights.]~~ That notice was provided to each putative father in accordance with subsection 2 or 3; and

(3) That 30 days or more have passed since the date on which notice was provided to each putative father pursuant to subsection 2 or 3.

5. If notice of a summary petition is mailed to one or more putative fathers identified in the Registry pursuant to subsection ~~[3,]~~ 2, the petitioner may request permission from the court to submit the petition, together with a proposed order, to the court for decision. Such a request must not be made sooner than 35 days after:

(a) The birth of the child; or

(b) The date on which notice was mailed to each putative father, if each putative father has failed to:

(1) Enter an appearance; or

(2) Otherwise notify the court of any attempt or desire to establish parentage of the child,

➥ whichever is later.

6. If a putative father cannot be found or if a putative father who received notification pursuant to subsection ~~[4]~~ 3 does not register with the Registry within 30 days after the birth of the child or within 30 days after the date on which notice was provided pursuant to subsection ~~[4,]~~ 3, whichever occurs later, the petitioner may request permission from the court to submit the petition, together with a proposed order, to the court for decision. Such a request must not be submitted sooner than 35 days after:

(a) The birth of the child; or

(b) The date on which notice was provided pursuant to subsection ~~[4,]~~ 3,

➥ whichever is later.

7. A putative father who fails to register with the Registry pursuant to section 6 of this act shall be deemed to have waived his right and opportunity to receive further notice, other than the notice provided in this section, of proceedings for the summary termination of his parental rights.

8. A court may grant a summary petition filed pursuant to this section if the court finds that:

(a) The petitioner has satisfied the provisions of this section; and

(b) Granting of the petition is in the best interests of the child.

9. As used in this section, "agency" means an agency described in NRS 127.050.

Sec. 13. NRS 128.010 is hereby amended to read as follows:

128.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 128.011 to 128.018, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 128.016 is hereby amended to read as follows:

128.016 "Putative father" means a person who ~~[is or is]~~ *:*

1. Is alleged or reputed to be the father of an illegitimate child ~~[.]~~ *;*

2. Is not the presumed father of a child pursuant to NRS 126.051;

3. Has not acknowledged paternity of the child pursuant to NRS 126.053; and

4. Has not been determined to have a parent and child relationship with the child by:

(a) A court of competent jurisdiction pursuant to the laws of this State;

(b) A court of competent jurisdiction in another state;

(c) An administrative agency or quasi-judicial entity pursuant to NRS 425.382 to 425.3852, inclusive; or

(d) An administrative agency or quasi-judicial entity in another state that is authorized to establish or to determine parentage or the existence of a parent and child relationship.

Sec. 15. NRS 128.050 is hereby amended to read as follows:

128.050 1. ~~[The]~~ *Except as otherwise provided in section 12 of this act,* proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative residing within the State, if no parent or guardian can be found.

(g) Whether the child is known to be an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 16. NRS 128.060 is hereby amended to read as follows:

128.060 1. ~~[After]~~ *Except as otherwise provided in section 12 of this act, after* a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. The following persons must be personally served with the notice:

(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if

there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, if residing within this State and if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 17. NRS 128.070 is hereby amended to read as follows:

128.070 1. ~~[When]~~ *Except as otherwise provided in subsection 6, when* the father or mother of a minor child or the child's legal custodian or guardian resides out of the State, has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the father or mother or custodian or guardian resides out of the State, and his or her present address is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided out of this State in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place;

(d) The affiant does not know the present place of residence of the person or where the person can be found; and

(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.

➥ In such case, it shall be presumed that the person still resides and remains out of the State, and the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother or custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence. When publication is ordered, personal service of a copy of the notice of hearing and petition, out of the State, is equivalent to completed

service by publication and deposit in the post office, and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.

3. Personal service outside the State upon a father or mother over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.

4. Whenever personal service cannot be made, the court may require, before ordering service by publication or by publication and mailing, such further and additional search to determine the whereabouts of the person to be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either the father or the mother of the person, and to all persons claiming to be the father or mother of the person. The notice, after the caption, must be addressed substantially as follows: "To the father and mother of the above-named person, and to all persons claiming to be the father or mother of that person."

6. The provisions of this section do not apply to a summary petition for termination of parental rights pursuant to section 12 of this act.

Sec. 18. NRS 128.080 is hereby amended to read as follows:

128.080 The notice *required pursuant to NRS 128.060 and 128.070* must be in substantially the following form:

In the ..... Judicial District Court of the State of Nevada,
in and for the County of .....

In the matter of parental rights
as to ....., a minor.

Notice

To ....., the father or ....., the mother of the above-named person; or, to the father and mother of the above-named person, and to all persons claiming to be the father or mother of this person; or, to ....., related to the above-named minor as .....;

and, to ....., the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at ....., in the County of ....., on the ..... day of the month of ..... of the year ..... at..... o'clock .....m., at which time and place you are required to be present if you desire to oppose the petition.

Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of Court

(SEAL)

By .....
Deputy

Sec. 19. NRS 128.085 is hereby amended to read as follows:

128.085 ~~[When]~~ *Except as otherwise provided in section 12 of this act:*

1. If the mother of an unborn child files a petition for termination of the father's parental rights, the father or putative father, if known, ~~[shall]~~ *must* be served with notice of the hearing in the manner provided for in NRS 128.060, 128.070 and 128.080.

2. The hearing ~~[shall]~~ *must* not be held until the birth of the child or 6 months after the filing of the petition, whichever is later.

Sec. 20. NRS 128.090 is hereby amended to read as follows:

128.090 1. ~~[At]~~ *Except in the case of a summary petition for termination of parental rights filed pursuant to section 12 of this act, at* the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.

2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.

3. Information contained in a report filed pursuant to NRS 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.

4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.

5. Any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.

Sec. 21. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the ~~[procedure]~~ *procedures* described in this chapter ~~[has]~~ *have* been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition ~~[,]~~ *or without a hearing in the case of a summary petition for termination of parental rights filed pursuant to section 12 of this act,* the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. The termination of parental rights pursuant to this section *or section 12 of this act* does not terminate the right of the child to inherit from his or her parent or parents, except that the right to inherit terminates if the child is adopted as provided in NRS 127.160.

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

➥ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Sec. 22. NRS 128.120 is hereby amended to read as follows:

128.120 Any order made and entered by the court under the provisions of NRS 128.110 *or section 12 of this act* is conclusive and binding upon the person declared to be free from the custody and control of his or her parent or parents, and upon all other persons who have been served with notice by publication or otherwise, as provided by this chapter. After the making of the order, except as otherwise provided in NRS 128.190, the court has no power to set aside, change or modify it, but nothing in this chapter impairs the right of appeal.

Sec. 23. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a mother relinquishes or proposes to relinquish for adoption a child who has:

(a) A presumed father pursuant to NRS 126.051;

(b) A father whose relationship to the child has been determined by a court; or

(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the father has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated. *Such a determination may not be made in the manner set forth in section 12 of this act.*

2. ~~[If a mother relinquishes or proposes to relinquish for adoption a child who does not have:~~

~~(a) A presumed father pursuant to NRS 126.051;~~

~~(b) A father whose relationship to the child has been determined by a court;~~

~~(c) A father as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or~~

~~(d) A father who can be identified in any other way,~~

~~➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the mother or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court.~~

~~3. In an effort to identify and protect the interests of the natural father, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the mother and any other appropriate person. The inquiry must include the following:~~

~~(a) Whether the mother was married at the time of conception of the child or at any time thereafter.~~

~~(b) Whether the mother was cohabiting with a man at the time of conception or birth of the child.~~

~~(c) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.~~

~~(d) Whether any man has formally or informally acknowledged or declared his possible paternity of the child.~~

~~4. If, after the inquiry, the natural father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.~~

~~5. If, after the inquiry, the court is unable to identify the natural father or any possible natural father and no person has appeared claiming to be the natural father and claiming custodial rights, the court shall enter an order terminating the unknown natural father's parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in~~

~~any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.~~

~~6. Notice]~~ *Except in the case of a summary petition for termination of parental rights filed pursuant to section 12 of this act, notice* of the proceeding must be given to every person identified as the natural father or a ~~[possible]~~ *person presumed to be the* natural father in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 24. The amendatory provisions of this act apply with respect to any child who is born on or after ~~[October 1, 2013.]~~ July 1, 2014

Sec. 25. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations necessary to carry out this act; and

2. On ~~[October 1, 2013,]~~ July 1, 2014 for all other purposes.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President pro Tempore. Amendment No. 40 to Senate Bill No. 113: (1) adds information to be included in the Registry of Putative Fathers; (2) requires a putative father who wishes to receive notice of a proceeding for the adoption of, or termination of, parental rights to register with the Registry; (3) revises provisions relating to the Summary Petition for Termination of Parental Rights; (4) clarifies provisions relating to the confidentiality of the information in the registry; (5) provides that governmental entities shall not be charged a fee for tasks related to the registry; and (6) clarifies provisions relating to locating the putative father.

Amendment adopted.

Senator Smith moved that Senate Bill No. 113 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 155.

Bill read second time.

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

Amendment No. 137.

"SUMMARY—Revises provisions relating to the practice of clinical professional counseling. (BDR 54-714)"

"AN ACT relating to mental health; revising the scope of the practice of clinical professional counseling; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill revises the scope of the practice of clinical professional counseling to provide that ~~[the assessment or treatment of couples or families is not excluded from]~~ the practice of clinical professional counseling ~~[.]~~ includes the assessment or treatment of couples or families if the assessment

or treatment is provided by a person who has demonstrated competency in the assessment or treatment of couples or families as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

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

Section 1. NRS 641A.065 is hereby amended to read as follows:

641A.065 *1.* "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical and social development and adjustment.

2. The term includes ~~[counseling]~~ *:*

(a) Counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health ~~[.~~

~~*2.]*~~ *; and*

(b) The assessment or treatment of couples or families, if the assessment or treatment is provided by a person who, through the completion of coursework or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board.

3. The term does not include:

~~[1.]~~ *(a)* The practice of psychology or medicine;

~~[2. The assessment or treatment of couples or families;~~

~~3.]~~ *(b)* The prescription of drugs or electroconvulsive therapy;

~~[4.]~~ *(c)* The treatment of physical disease, injury or deformity;

~~[5.]~~ *(d)* The diagnosis or treatment of a psychotic disorder;

~~[6.]~~ *(e)* The use of projective techniques in the assessment of personality;

~~[7.]~~ *(f)* The use of psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;

~~[8.]~~ *(g)* The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; or

~~[9.]~~ *(h)* The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Thank you, Mr. President pro Tempore. Amendment No. 137 to Senate Bill No. 155 expands a clinical professional counselor's scope of practice to include the assessment and treatment of couples or families, but only with the proper coursework, supervised experience and credentials.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 234.

"SUMMARY—Revises provisions relating to the budgets of school districts. (BDR 34-849)"

"AN ACT relating to education; requiring the ~~[superintendent of schools]~~ board of trustees of each school district to establish criteria for determining certain budgetary priorities; requiring the ~~[board of trustees]~~ superintendent of schools of ~~[each]~~ the school district to use the criteria in preparing the budget of the school district; requiring that the expenditures of each school district be prioritized to ensure that the budgetary priorities are carried out; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to prepare a budget of the amounts of money estimated to be necessary to pay the expenses of conducting the public business of the school district. (NRS 387.300) Section 1 of this bill requires the ~~[superintendent of schools]~~ board of trustees of each school district to establish criteria for determining budgetary priorities that are directed at improving the achievement of pupils and improving classroom instruction. Section 1 also requires the ~~[board of trustees]~~ superintendent of schools of the school district to use such criteria in preparing the budget of the school district. Section 2 of this bill provides that the expenditures of a school district must be prioritized in a manner which ensures that the budgetary priorities determined pursuant to section 1 are carried out.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Within the limits prescribed by law, the ~~[superintendent of schools]~~ board of trustees of each school district shall establish criteria for determining budgetary priorities that are directed at improving the achievement of pupils and improving classroom instruction.

2. The ~~[board of trustees]~~ superintendent of schools of the school district shall use the criteria established pursuant to subsection 1 in ~~[preparing]~~ making recommendations to the board of trustees regarding the budget of the school district. ~~[pursuant to NRS 387.300.]~~

Sec. 2. NRS 387.205 is hereby amended to read as follows:

387.205 1. Subject to the limitations set forth in NRS 387.206 and 387.207, *and the provisions of subsection 3,* money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the Superintendent of Public Instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the State Permanent School Fund pursuant to NRS 387.526.

(i) Programs of education and projects relating to air quality pursuant to NRS 445B.500.

2. Subject to the limitations set forth in NRS 387.206 and 387.207, money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

3. The board of trustees of a school district, in allocating the use of money pursuant to this section, shall prioritize expenditures in a manner which ensures that the budgetary priorities determined pursuant to section 1 of this act are carried out.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President pro Tempore. Amendment No. 234 removes one section of Senate Bill No. 157 that set up a new process for building schools, and it leaves one section that allows for the use of money for transportation and other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 185.

Bill read second time and ordered to third reading.

Senate Bill No. 238.

Bill read second time and ordered to third reading.

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 93.

"SUMMARY—Authorizes the indication of veteran status on instruction permits, drivers' licenses and identification cards. (BDR 43-80)"

"AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections 6 and 9 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) wishes to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States, submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of section 6 or 9, as applicable, sections 2 and 3 of this bill require the Department to place the word "Veteran" on the person's instruction permit, driver's license or identification card, as appropriate. Sections 6 and 9 also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces of the United States.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Upon the application of a person who desires to declare that he or she is a veteran of the Armed Forces of the United States and has fulfilled the requirements of subsection 3 of NRS 483.292, the Department shall indicate on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter that the person is a veteran*

by imprinting on the instruction permit or driver's license the word "Veteran."

2. The Director shall determine the placement of the indication of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.

Sec. 3. *1. Upon the application of a person who desires to declare that he or she is a veteran of the Armed Forces of the United States and has fulfilled the requirements of subsection 3 of NRS 483.852, the Department shall indicate on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, that the person is a veteran by imprinting on the identification card the word "Veteran."*

2. The Director shall determine the placement of the indication of veteran status required by subsection 1 on any identification card to which this section applies.

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 2 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for *the initial issuance of* an instruction permit or driver's license pursuant to NRS 483.290 ~~[,]~~ *or the renewal of an instruction permit or driver's license,* the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ *:*

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ *; and*

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~*[4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]*~~ *In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have imprinted on his or her instruction permit or driver's license the word "Veteran" as described in section 2 of this act must:*

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an instruction permit or driver's license upon which the word "Veteran":

(1) Is not imprinted, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is imprinted, submit by mail, in person or by other means authorized by the Department a statement that the person wishes to continue to have the word "Veteran" imprinted upon the instruction permit or driver's license.

4. ~~[5.]~~ The Department shall, at least once each ~~[quarter.]~~ *month:*

(a) Compile ~~[the aggregate number]~~ *a list* of persons who have, during the immediately preceding ~~[quarter,]~~ *month,* declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ *list* to the Office of Veterans Services to be used for statistical purposes.

Sec. 7. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~[;]~~ *, and section 2 of this act;* or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 8. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and section 2 of this act,* unless such violation is, by NRS 483.010 to 483.630, inclusive, *and section 2 of this act,* or other law of this State, declared to be a felony.

Sec. 9. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for *the initial issuance of* an identification card pursuant to NRS 483.850 ~~[,]~~ *or the renewal of an identification card pursuant to NRS 483.875,* the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ *:*

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ *; and*

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~*[4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]*~~ *In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have imprinted on his or her identification card the word "Veteran" as described in section 3 of this act must:*

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an identification card upon which the word "Veteran":

(1) Is not imprinted, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is imprinted, submit by mail, in person or by other means authorized by the Department a statement that the person wishes to continue to have the word "Veteran" imprinted upon the identification card.

4. ~~*[5.]*~~ The Department shall, at least once each ~~[quarter.]~~ *month:*

(a) Compile ~~[the aggregate number]~~ *a list* of persons who have, during the immediately preceding ~~[quarter,]~~ *month,* declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ *list* to the Office of Veterans Services to be used for statistical purposes.

Sec. 10. This act becomes effective on January 1, 2014.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Thank you, Mr. President pro Tempore. Amendment No. 93 to Senate Bill No. 244 changes the time frame and nature of the information transmitted from the Department of Motor Vehicles to the Nevada Office of Veterans' Services. Additionally, Amendment No. 93 adds several co-sponsors to Senate Bill No. 244.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 288.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 310.

Bill read second time and ordered to third reading.

Senate Bill No. 316.

Bill read second time.

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

Amendment No. 140.

"SUMMARY—Requires provisions relating to materials recovery facilities. (BDR 54-1067)"

"AN ACT relating to contractors; requiring contractors to dispose of solid waste at a materials recovery facility under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill requires a contractor to dispose of certain solid waste produced by construction, demolition or similar work at a materials recovery facility that has been approved to operate pursuant to regulations of the State

Environmental Commission, if such a facility is located within ~~[15]~~ 30 miles of the site of the work.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contractor who undertakes the construction, alteration, repair, maintenance or demolition of any building, structure or other work of improvement shall dispose of the solid waste resulting from the work at a materials recovery facility, if a materials recovery facility is located within ~~[15]~~ 30 miles of the site of the work.

2. As used in this section, "materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials, and that has been approved to operate in accordance with regulations adopted by the State Environmental Commission pursuant to NRS 444.560. The term does not include:

(a) A facility that receives only recyclable materials that have been separated at the source of waste generation if further processing of the materials generates less than 10 percent waste residue by weight on an annual average;

(b) A salvage yard for the recovery of used motor vehicle parts;

(c) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; or

(d) A facility that recovers less than 10 percent by weight of the recyclable material from the solid waste received on an annual average.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President pro Tempore. Amendment No. 140 to Senate Bill No. 316 changes the distance of the facility from “within 15 miles” to “within 30 miles.”

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 364.

Bill read second time.

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

Amendment No. 176.

"SUMMARY—Revises provisions governing governmental administration. (BDR 19-185)"

"AN ACT relating to governmental administration; removing the requirement that each governmental agency ensure that any personal information contained in certain documents is either maintained in a

confidential manner or removed from the document; removing the requirement that the board of county commissioners in certain larger counties establish in certain cities a branch office of the county clerk at which marriage licenses may be issued; revising provisions relating to recording and filing certificates of marriage; revising provisions governing certain other documents relating to marriage; prohibiting certain solicitations on county property; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007. On or before January 1, 2017, each governmental agency is required to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document. (NRS 239B.030) Section 1 of this bill authorizes rather than requires each governmental agency to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document.

Existing law requires the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and establish that office in an incorporated city whose population is 220,000 or more but less than 500,000 (currently the City of Henderson). Existing law also authorizes the board to designate, at the request of the county clerk, not more than four additional branch offices of the county clerk at which marriage licenses can be issued. (NRS 122.040) Section 2 of this bill removes the requirement to establish a branch office at which marriage licenses can be issued in an incorporated city whose population is 220,000 or more but less than 500,000 and allows the board to designate, at the request of the county clerk, not more than five branch offices at which marriage licenses may be issued.

Existing law requires copies of certificates of marriage to be recorded by the county recorder or filed by the county clerk. (NRS 122.130) Sections 2.5, 5.5 and 8-10 of this bill remove references to "copies" of certificates of marriage so that original certificates of marriage are required to be recorded by the county recorder or filed by the county clerk.

Sections 3-5 of this bill revise provisions governing certain documents relating to the authority to solemnize marriages.

Existing law prohibits any person, while on county courthouse property, from soliciting another person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. (NRS 122.215) Section 7 of this bill extends this prohibition to all county property [.] where marriage licenses are issued.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsections 2 and 6, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information is maintained in a confidential manner and may only disclose the personal information as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

➥ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

5. ~~[On or before January 1, 2017, each]~~ *Each* governmental agency ~~[shall]~~ *may* ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the

personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

➥ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

➥ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

7. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more ~~[:~~

~~(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 220,000 or more but less than 500,000; and~~

~~(2) May, in addition to the branch office described in subparagraph (1)]~~ *may*, at the request of the county clerk, designate not more than ~~[four]~~

five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

9. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 2.5. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of $21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of $10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed ~~[copy of the]~~ certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed ~~[copy of the]~~ certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $25 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

Sec. 3. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:

(a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of ~~[revocation]~~ *removal* of authority to solemnize marriages pursuant to NRS 122.0665 ~~[.]~~ *or the certificate of permission is revoked pursuant to NRS 122.068.*

5. An affidavit of ~~[revocation]~~ *removal* of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require

satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall ~~[revoke]~~ *remove* the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. Except as otherwise provided in subsection 8, if any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of ~~[revocation]~~ *removal* of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. If any minister or other person authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is *removed or* revoked as prescribed by law. The minister or other person authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other person authorized to solemnize a marriage has moved.

9. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.

Sec. 4. NRS 122.0665 is hereby amended to read as follows:

122.0665 1. If a minister or other person authorized to solemnize a marriage is no longer authorized to solemnize a marriage by the church or religious organization that authorized the minister or other person to solemnize marriages when he or she applied for a certificate of permission to perform marriages pursuant to NRS 122.064, the church or religious organization shall, within 5 days after the authorization is terminated, file an affidavit of ~~[revocation]~~ *removal* of authority to solemnize marriages with the county clerk of the county where the original affidavit of authority to solemnize marriages was filed.

2. The affidavit of ~~[revocation]~~ *removal* of authority to solemnize marriages must be in substantially the following form:

AFFIDAVIT OF ~~[REVOCATION]~~ *REMOVAL* OF AUTHORITY TO SOLEMNIZE MARRIAGES

State of Nevada }
}ss.
County of ..... }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The.....(name of church or religious organization) hereby ~~[revokes]~~ *removes* the authority of..... (name of minister or other person authorized to solemnize marriages), filed in the County of....., on the..... day of the month of....., of the year....., to solemnize marriages.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

Notary Public for
..... County, Nevada.

My appointment expires

Sec. 5. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to perform marriages to a minister or other person authorized to solemnize a marriage pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister or other person authorized to solemnize a marriage is revoked ~~[.]~~ *or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665,* the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister or other person authorized to solemnize a marriage from the official list contained in the database of ministers or other

persons authorized to solemnize a marriage and shall notify each county clerk and county recorder in the State of the revocation ~~[.]~~ *or removal of authority.*

Sec. 5.5. NRS 122.130 is hereby amended to read as follows:

122.130 1. Each person who solemnizes a marriage shall make a record of it and, within 10 days after the marriage, shall deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the license was issued ~~[a copy of]~~ the *original* certificate of marriage required by NRS 122.120.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the license was issued ~~[a copy of]~~ the *original* certificate of marriage required by NRS 122.120.

2. If the ~~[copy of the]~~ *original* certificate of marriage that is held by the person who solemnizes the marriage is lost or destroyed before it is delivered pursuant to subsection 1, the county clerk may charge and collect from the person who solemnizes the marriage a fee of not more than $15 for the preparation of an affidavit of loss or destruction and the issuance of a replacement certificate. All fees collected by the county clerk pursuant to this subsection must be deposited in the county general fund.

3. All ~~[copies of]~~ *original* certificates must be recorded by the county recorder or filed by the county clerk in a book to be kept by him or her for that purpose. For recording or filing the ~~[copies,]~~ *original certificates,* the county recorder or county clerk is entitled to the fees designated in subsection 2 of NRS 122.060 and subsection 3 of NRS 122.135. All such fees must be deposited in the county general fund.

Sec. 6. NRS 122.185 is hereby amended to read as follows:

122.185 The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a justice of the peace within a township where such justice of the peace is permitted to perform marriages, or any minister or other person authorized to solemnize a marriage of their choice who holds a valid certificate of permission to perform marriages within the State, perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage ~~[, including any extra charge to be made for solemnizing a marriage after regular working hours]~~ in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

Sec. 7. NRS 122.215 is hereby amended to read as follows:

122.215 It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county ~~[courthouse]~~ property ~~[,]~~ *where marriage licenses are issued,* any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel.

Sec. 8. NRS 122.230 is hereby amended to read as follows:

122.230 Every person solemnizing a marriage who fails or neglects to make and deliver an originally signed ~~[copy of the]~~ certificate thereof, within the time specified in NRS 122.130, to:

1. If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk; or

2. If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder,

➥ is guilty of a misdemeanor.

Sec. 9. NRS 122.240 is hereby amended to read as follows:

122.240 Every county recorder or county clerk who fails or neglects to record or file a ~~[copy of a]~~ certificate of marriage as required by this chapter is guilty of a misdemeanor.

Sec. 10. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page, $10.

(b) For each additional page, $1.

(c) For recording each portion of a document which must be separately indexed, after the first indexing, $3.

(d) For copying any record, for each page, $1.

(e) For certifying, including certificate and seal, $4.

(f) For a certified copy of a certificate of marriage, $10.

(g) For a certified abstract of a certificate of marriage, $10.

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose 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 must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording ~~[the]~~ *an* originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording ~~[the]~~ *an* originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording ~~[the]~~ *an* originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any

fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

~~[Sec. 8.]~~ *Sec. 11.* This act becomes effective on July 1, 2013.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President pro Tempore. Amendment No. 176 to Senate Bill No. 364 changes the word "copies" to "original" or deletes the word "copies" regarding the filing of marriage certificates. It also adds language to clarify that one may not solicit marriage ceremony services on any county property "where marriage licenses are issued," rather than on "any county property" at all.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

Senate Bill No. 404.

Bill read second time.

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

Amendment No. 173.

"SUMMARY—Revises provisions relating to business practices. (BDR 28-827)"

"AN ACT relating to business practices; prohibiting a subcontractor from receiving any public money unless the subcontractor is the holder of a state business license under certain circumstances; clarifying that a person is prohibited from entering into a contract with the State of Nevada unless the person is the holder of a state business license; making certain misrepresentations by a provider or vendor of floral or ornamental products a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 1 and 8 of this bill ~~[require]~~ prohibit subcontractors ~~[who receive]~~ from receiving public money for subcontracts for public works or projects for the construction or maintenance of highways ~~[to hold]~~ unless the subcontractors hold a state business license. Section 7.5 of this bill also clarifies that a person is prohibited from entering into a contract with the State of Nevada unless the person holds a state business license.

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Section 9 of this bill provides that certain advertising practices which misrepresent the geographic location of a provider or vendor of floral or ornamental products or services constitutes a deceptive trade practice. Sections 6, 7 and 10-18 of this bill make conforming changes relating to the new deceptive trade practice established in section 9.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

A subcontractor who enters into a subcontract for a public work shall not accept or otherwise receive any public money for the public work, including, without limitation, accepting or receiving any public money as a payment from a contractor, unless the subcontractor is the holder of a state business license issued pursuant to chapter 76 of NRS.

Sec. 2. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and section 1 of this act,* except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act* regardless of any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, *and section 1 of this act* apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $100,000.

Sec. 4. NRS 338.090 is hereby amended to read as follows:

338.090 1. ~~[Any]~~ *Except as otherwise provided in subsection 4, any* person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, *and section 1 of this act* an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, *and section 1 of this act,* the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The provisions of subsection 1 do not apply to a subcontractor specified in section 1 of this act.

Sec. 5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive; or

(d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16995, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive ~~[.]~~ *, and section 8 of this act.*

Sec. 6. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the

owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 7. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ *, and section 9 of this act.*

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 7.5. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not enter into a contract with the State of Nevada unless the person is a holder of a state business license issued pursuant to chapter 76 of NRS.

2. The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

(a) The Legislative, Executive and Judicial Departments of the State Government;

(b) The Nevada System of Higher Education; and

(c) The Public Employees' Retirement System.

Sec. 7.7. NRS 353.005 is hereby amended to read as follows:

353.005 ~~[The]~~ *Except as otherwise provided in section 7.5 of this act, the* provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 8. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A subcontractor who enters into a subcontract for a project for the construction and maintenance of a highway shall not accept or otherwise receive any public money for the project, including, without limitation, accepting or receiving any public money as a payment from a contractor, unless the subcontractor is the holder of a state business license issued pursuant to chapter 76 of NRS.

2. As used in this section, "subcontractor" has the meaning ascribed to it in NRS 338.010.

Sec. 9. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider or vendor of floral or ornamental products or services engages in a "deceptive trade practice" if the provider or vendor misrepresents the geographic location of its business by listing:

(a) A local telephone number in any advertisement or listing unless the advertisement or listing identifies the actual physical address, including the city and state, of the provider or vendor's business.

(b) An assumed or fictitious business name in any advertisement or listing if:

(1) The name of the business misrepresents the provider or vendor's geographic location; and

(2) The advertisement or listing does not identify the actual physical address, including the city and state, of the provider or vendor's business.

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

(a) A publisher of a telephone directory or any other publication or a provider of a directory assistance service that publishes or provides information about another business;

(b) An Internet website that aggregates and provides information about other businesses;

(c) An owner or publisher of a print advertising medium that provides information about other businesses;

(d) An Internet service provider; or

(e) An Internet service that displays or distributes advertisements for other businesses.

3. This section does not create or impose a duty or an obligation on a person other than a vendor or provider described in subsection 1.

4. As used in this section:

(a) "Floral or ornamental products or services" means floral arrangements, cut flowers, floral bouquets, potted plants, balloons, floral designs and related products and services.

(b) "Local telephone number" means a specific telephone number, including the area code and prefix, assigned for the purpose of completing local telephone calls between a calling party or station and any other party or station within a telephone exchange located in this State or its designated local calling areas. The term does not include long distance telephone numbers or toll-free telephone numbers listed in a local telephone directory.

Sec. 10. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 9 of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and section 9 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 12. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act* do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ *, and section 9 of this act.*

Sec. 13. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ *, and section 9 of this act.* The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 14. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any

investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ *, and section 9 of this act.* Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act* to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 15. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[,]~~ *, and section 9 of this act;* and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in

chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 16. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 17. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been

acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 18. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act* upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ *, and section 9 of this act.*

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 9 of this act,* 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision,

or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President pro Tempore. Amendment No. 173 to Senate Bill No. 404 expands the bill's provisions to require that any business that does business with the State of Nevada must have a State business license.

Amendment adopted.

Senator Smith moved that Senate Bill No. 404 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 432.

Bill read second time and ordered to third reading.

Senate Bill No. 452.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 452 be taken from General File and re-referred to the Committee on Finance.

Motion carried.

Senate Bill No. 464.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 464 be taken from General File and re-referred to the Committee on Finance.

Motion carried.

Senate Bill No. 468.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 468 be taken from General File and re-referred to the Committee on Finance.

Motion carried.

Senate Bill No. 477.

Bill read second time and ordered to third reading.

Senate Bill No. 479.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 479 be taken from General File and re-referred to the Committee on Finance.

Motion carried.

Senate Bill No. 489.

Bill read second time and ordered to third reading.

Senate Bill No. 497.

Bill read second time and ordered to third reading.

Senate Bill No. 506.

Bill read second time and ordered to third reading.

Senate Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 509.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Resolution read second time.

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

Amendment No. 503.

"SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-626)"

"SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for limited annual regular legislative sessions, to authorize the Legislature to hold regular or special sessions at places other than Carson City ~~[,]~~ and to authorize a change in compensation to Legislators . ~~[and to require the consent of the Senate for certain appointments to state offices in the Executive Department.]~~"

Legislative Counsel's Digest:

The Nevada Constitution provides for biennial regular sessions of the Legislature of not more than 120 consecutive calendar days in each odd-numbered year. (Nev. Const. Art. 4, § 2) This resolution proposes to amend the Nevada Constitution to provide for limited annual regular

sessions. In each odd-numbered year, the Legislature would hold a regular session of not more than 90 legislative days during a maximum period of 120 consecutive calendar days. In each even-numbered year, the Legislature would hold a regular session of not more than 30 legislative days during a maximum period of 45 consecutive calendar days.

The Nevada Constitution also requires the Legislature to hold its regular or special sessions at the seat of government in Carson City. (Nev. Const. Art. 4, § 1, Art. 15, § 1) In addition, the Nevada Constitution prohibits one House of the Legislature from adjourning to another location during a regular or special session without the consent of the other House. (Nev. Const. Art. 4, § 15) This resolution proposes to amend the Nevada Constitution to authorize the Legislature to hold all or any portion of a regular or special session at any place in this State if a majority of each House of the Legislature agrees to do so and follows certain required procedures.

This resolution also proposes to amend the Nevada Constitution to change the compensation for Legislators. The Nevada Constitution authorizes Legislators to : (1) receive compensation for the first 60 days of each regular session and the first 20 days of each special session [.] ; and (2) appropriate funds for the payment of the actual expenses members of the Legislature may incur for postage, express charges, newspapers and stationery in an amount not to exceed $60 per member for each general or special session. (Nev. Const. Art. 4, § 33) This resolution proposes to amend the Nevada Constitution to remove those provisions and to provide that Legislators must ~~[receive a monthly compensation of not less than $2,000 for each month during their term of office, prorated for any partial month, and a per diem allowance for each regular or special session. This resolution also provides that Legislators must receive the monthly compensation commencing with the first full month following the date on which such amendments become a part of the Nevada Constitution upon completion of the canvass of votes by the Nevada Supreme Court. (Nev. Const. Art. 5, § 4; Torvinen v. Rollins, 93 Nev. 92, 94 (1977))~~

~~Finally, existing law requires the Governor and other state officers in the Executive Department to appoint persons to serve in various state offices in the Executive Department. This resolution proposes to add a new section to the Nevada Constitution which provides that such appointments are temporary until the Senate consents to the appointments. The new section authorizes the Legislature to exempt any state offices from this requirement and to establish procedures to carry out the provisions of the section. The new section does not apply to filling vacancies in elective state offices. (Nev. Const. Art. 5, § 8, Art. 17, § 22)]~~

If this resolution is passed by the 2013 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Section.]~~ *Section* 1. *1.* The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of ~~[Nevada" and the]~~ *Nevada."*

2. The regular and special sessions of such Legislature shall be held at the seat of government of the State ~~[.]~~ *, unless a majority of the members elected to each House of the Legislature deems it necessary and appropriate to hold all or any portion of a regular or special session at another place in this State as provided in this section.*

3. During a regular or special session, by a concurrent resolution, a majority of the members elected to each House of the Legislature may designate another place in this State to hold all or any portion of the session, including, without limitation, changing the place designated in a petition filed with the Secretary of State pursuant to subsection 4.

4. During the interim between regular sessions, upon a petition signed by a majority of the members elected to each House of the Legislature who will serve at a regular or special session, the Legislature may designate another place in this State to hold all or any portion of the regular or special session. A petition must specify the session and the alternate place where all or any portion of the session will be held, and it must be transmitted to the Secretary of State not later than 5 calendar days before the commencement of the session. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, the Secretary of State shall notify all members of the Legislature and the Governor of the alternate place where all or any portion of the session will be held. By the same procedure and within the same time limit, a majority of the members elected to each House of the Legislature who will serve at the regular or special session may change any alternate place designated in the petition filed with the Secretary of State where all or any portion of the session will be held.

5. The Legislature may provide by law for supplemental procedures for designating or changing the alternate place where all or any portion of a regular or special session will be held pursuant to this section.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be ~~[biennial,]~~ *annual* and shall commence on the 1st Monday of February ~~[following the election of members of the Assembly,]~~ *of each year,* unless the Governor of the State or the members of the Legislature shall, in the interim, convene the Legislature by proclamation or petition.

2. The Legislature shall adjourn sine die each regular session *held in an odd-numbered year* not later than midnight Pacific time at the end of the *90th legislative day or the* 120th consecutive calendar day of that session,

whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the *90th legislative day or the* 120th consecutive calendar day of that session *, whichever occurs first,* is void, unless the legislative action is conducted during a special session.

3. *The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, is void, unless the legislative action is conducted during a special session.*

4. The Governor shall submit *to* the *Legislature:*

(a) The proposed executive budget ~~[to the Legislature]~~ not later than 14 calendar days before the commencement of each regular session ~~[.~~

~~4.]~~ *held in an odd-numbered year.*

(b) Any proposed appropriations or proposed revisions to the executive budget not later than 14 calendar days before the commencement of each regular session held in an even-numbered year.

5. For the purposes of this section ~~[, "midnight]~~ *:*

(a) "Legislative day" means any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session.

(b) "Midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar *or legislative* day of the session, *whichever occurs first,* is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~[seat of government of this State as designated by]~~ *place where the Legislature is holding the session on the final calendar or legislative day, whichever occurs first, pursuant to* Section 1 of *this* Article . ~~[15 of this Constitution.]~~ The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the

Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of *this* Article . ~~[4 of this Constitution.]~~

6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~[seat of government of this State as designated by]~~ *place where the Legislature is holding the session on the final calendar day pursuant to* Section 1 of *this* Article . ~~[15 of this Constitution.]~~ The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 15 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 15. *1.* The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions ~~[.]~~ *pursuant to Section 1 of this Article.*

2. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a ~~*[monthly]*~~ compensation ~~*[of not less than $2,000 for each month during their term of office, prorated for any partial month, and a per diem allowance for each regular or special session,]*~~ to be fixed by law and paid out of the public treasury ~~[, for not to exceed 60 days during any regular session of the Legislature and not to exceed 20 days during any special session;]~~ *at regular intervals determined by law,* but no increase of such compensation shall take effect during the term for which the members of either ~~[house]~~ *House* shall have been elected; Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur ~~[for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars]~~ for any ~~[general]~~ *regular* or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers , receive an additional allowance of two dollars per diem.

And be it further

~~[RESOLVED, That a new section, designated Section 8A, be added to Article 5 of the Nevada Constitution to read as follows:~~

~~*Sec. 8A. 1. Except as otherwise provided in this section, any appointment to a state office in the Executive Department that is made by the Governor or another state officer in the Executive Department who is authorized by law to make the appointment is temporary until the Senate consents to the appointment.*~~

~~*2. The Legislature may:*~~

~~*(a) Provide by law for procedures to carry out the provisions of this section.*~~

~~*(b) Exempt by law any state office in the Executive Department from the requirements of this section.*~~

~~*3. This section does not apply to filling vacancies in elective state offices pursuant to Section 8 of this Article or Section 22 of Article 17 of this Constitution.*~~

~~And be it further]~~

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both ~~[houses,]~~ *Houses,* when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~[seat of government of this State as designated by]~~ *place where the Legislature is holding the session on the final calendar day pursuant to* Section 1 of Article ~~[15]~~ *4* of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ *Sec.* 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~[,]~~ *in any odd-numbered year,* before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session *in an odd-numbered year* in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature

deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

~~[RESOLVED, That Section 10 of Article 15 of the Nevada Constitution be amended to read as follows:~~

~~[Sec:] *Sec.* 10. All officers whose election or appointment is not otherwise provided for [,] *in this Constitution* shall be chosen or appointed as may be prescribed by law [.] *, subject to Section 8A of Article 5 of this Constitution.*~~

~~And be it further]~~

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter . ~~[biennially.]~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~[January 1 of the year preceding the year in which a regular session of the Legislature is held.]~~ *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to ~~[any]~~ *the commencement of the* regular session of the Legislature ~~[.]~~ *to which the petition will be transmitted.* The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the

voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of

favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

~~[And be it further~~

~~RESOLVED, That the members of the Legislature must receive the monthly compensation set forth in the amendments made by this resolution to Section 33 of Article 4 of the Nevada Constitution commencing with the first full month following the date on which such amendments become a part of the Nevada Constitution upon completion of the canvass of votes by the Nevada Supreme Court pursuant to Section 4 of Article 5 of the Nevada Constitution.]~~

Senator Denis moved that the Senate recess until 2:00 p.m.

Motion carried.

Senate in recess at 12:35 p.m.

SENATE IN SESSION

At 2:07 p.m.

President pro Tempore Parks presiding.

Quorum present.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Amendment No. 503 to Senate Joint Resolution No. 8 proposes to amend provisions of the *Nevada Constitution* relating to the Legislature by: (1) removing the proposed provisions establishing a minimum monthly salary of $2,000; (2) removing the proposed provisions relating to advice and consent to gubernatorial appointments; and (3) deleting the existing limitation of $60 in any session for postage and other office expenses.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 4.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President pro Tempore. Senate Bill No. 4 allows various public employees or volunteers for a public agency who come in contact with human blood or bodily fluids in the

course of their official duties to request that a person or decedent who may have exposed them to a contagious disease be tested. The measure also allows a judge or a justice of the peace hearing the petition to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is deemed to be an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not invalidate the order.

Senate Bill No. 4 also: (1) requires any records concerning such a petition or related proceedings to be sealed and kept confidential; (2) authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means; and (3) authorizes justice courts and municipal courts to issue such orders.

Roll call on Senate Bill No. 4:

YEAS—21.

NAYS—None.

Senate Bill No. 4 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 5 removes a requirement that motor vehicles purchased by the State for use by any department, office, bureau, officer or employee be labeled with the words "State of Nevada" and "For Official Use Only," and replaces that requirement with one that the Board of Examiners adopt regulations governing the labeling of these vehicles. It also exempts the Board of Examiners from complying with certain procedural requirements when adopting these regulations. Finally, a designee of the Board of Examiners may provide prior written consent for the purchase of a motor vehicle rather than the entire Board of Examiners having to provide this consent. This bill is effective on passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Roll call on Senate Bill No. 5:

YEAS—21.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President pro Tempore. Senate Bill No. 7 requires the Department of Taxation to provide technical bulletins that are intended to educate the public on various issues related to their businesses and the taxes administered by the Department. The Department of Taxation must also publish a technical bulletin regarding any written opinion received from the Attorney General. The technical bulletins are intended to be provided for informational purposes only and must be approved by the Nevada Tax Commission prior to being published on the Department's Internet website.

Roll call on Senate Bill No. 7:

YEAS—21.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President pro Tempore. Senate Bill No. 12 requires individuals identified by the Nevada Transportation Authority as significant actors of a motor carrier or applicants to operate as a motor carrier to submit fingerprints to the Nevada Transportation Authority for the purposes of a background check. The individuals must authorize the Nevada Transportation Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

Roll call on Senate Bill No. 12:

YEAS—21.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 18 revises provisions governing personal and subject matter jurisdiction under the Nevada Code of Military Justice, and modifies provisions governing non-judicial punishment for servicemen and servicewomen. It also provides that certain persons found incompetent to stand trial by court-martial or not guilty by lack of mental responsibility, be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services, Department of Health and Human Services.

Senate Bill No. 18 also adds several crimes to the list of those triable by court-martial, adds prohibitions against discrimination based on gender or sexual orientation, provides that members of the Nevada National Guard who perform service during an emergency will be compensated according to their military grade and pay status and exempts persons subject to the Nevada Code of Military Justice from liability for acts or omissions performed as part of their duty under the Code. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 18:

YEAS—21.

NAYS—None.

Senate Bill No. 18 having received constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 22 requires that if the Nevada 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. The

Attorney General is required to provide the Legislative Counsel with biennial reports containing all such rulings. Senate Bill No. 22 also requires the State Controller to collect restitution for extradition expenses on behalf of the Office of the Attorney General and any other government entity to which restitution is ordered. This bill is effective on October 1, 2013.

Roll call on Senate Bill No. 22:
YEAS—21.
NAYS—None.

Senate Bill No. 22 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President pro Tempore. Senate Bill No. 35 requires the Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, to charge to an employer against whom a civil action is brought a fee to defray the cost for recording, copying or certifying documents in such actions. The fee must be charged to the employer in accordance with fees charged by county recorders for such services and be paid into the Unemployment Compensation Administration Fund. Senate Bill No. 35 is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 35:
YEAS—21.
NAYS—None.

Senate Bill No. 35 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 40.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President pro Tempore. Senate Bill No. 40 makes various changes to provisions relating to medical laboratories. The State Board of Health is required to adopt regulations setting forth acceptable forms of proof of identity that a laboratory director must include in an application. The State Board of Health is also required to adopt regulations concerning the qualifications for certification as an assistant in a medical laboratory.

Senate Bill No. 40 increases the administrative penalties as well. Finally, it clarifies one situation in which a blood test is admissible. This bill is effective upon passage and approval for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2014, for all other purposes. I urge the Body's support.

Roll call on Senate Bill No. 40:
YEAS—21.
NAYS—None.

Senate Bill No. 40 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President pro Tempore. Senate Bill No. 51 transfers the powers and duties related to the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of the Department of Health and Human Services and the State Board of Health, respectively. Senate Bill No. 51 also authorizes such an agency to provide certain medical services to persons with disabilities through its employees or by contractual arrangement.

Roll call on Senate Bill No. 51:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 51 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 55 reorganizes 19 separate plans and other items that may be included in a master plan under current statute into eight different elements that a plan may include. The elements are: (1) conservation; (2) historic preservation; (3) housing; (4) land use; (5) public facilities and services; (6) recreation and open space; (7) safety; and (8) transportation.

In counties whose population is 100,000 or more but less than 700,000 (currently, Washoe County), if the governing body of a city or county adopts only a portion of a master plan, then it is not required to adopt the entirety of a conservation element, it must adopt the entirety of a housing element and it is not required to adopt the entirety of a public facilities and services element. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 55:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 55 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President pro Tempore. Senate Bill No. 61 reduces the membership of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities within the Nevada Commission on Services for Persons with Disabilities from 11 to 9 members. Senate Bill No. 61 removes certain positions, and it reclassifies other positions to represent a user of telecommunications relay services, a user of an interpreter or of real-time captioning and a parent of a child who is deaf, hard of hearing or speech-impaired.

The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities is authorized to create and annually review a

strategic plan and to provide certain advice to the Aging and Disability Services Division of the Department of Health and Human Services and to the Department of Education.

Roll call on Senate Bill No. 61:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 61 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President pro Tempore. Senate Bill No. 78 makes numerous changes related to guardianships. The bill provides that a court may require a guardian to complete any available training concerning guardianships. In addition, it requires a bank to accept a copy of a court order appointing a guardian and letters of guardianship as proof of guardianship. Senate Bill No. 78 includes numerous provisions.

I worked several sessions ago with former Senator Bernice Mathews on the matter of guardians. There have been some problems identified in the meantime; this bill attempts to address those issues and concerns.

Roll call on Senate Bill No. 78:
YEAS—21.
NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 79 repeals Section 600 of Chapter 710 of *Nevada Revised Statutes*, which provides that, in any incorporated city having a commission form of government, all net profits derived from municipally owned and operated utilities may be expended, in the discretion of the governing body of such city, for general municipal purposes. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 79:
YEAS—21.
NAYS—None.

Senate Bill No. 79 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92.

Bill read third time.

Senator Hardy moved that Senate Bill No. 92 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Senate Bill No. 98.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President pro Tempore. Senate Bill No. 98 makes various changes related to child welfare services. Specifically, this measure: (1) revises the criteria a court uses to determine whether a child welfare agency is required to make reasonable efforts to preserve and reunify the family of a child; (2) revises the definition of "reasonable efforts" as it relates to arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family; (3) requires the court, when determining whether reasonable efforts have been made, to consider certain matters related to the health and safety of the child, certain efforts to prevent the need to remove the child from the home and efforts to finalize the plan for the permanent placement of the child; and (4) requires the court to make certain determinations about whether a child welfare agency is required to make reasonable efforts or whether the child welfare agency has made those efforts on a case-by-case basis, based on specific evidence and to expressly state each determination in the court order. The measure is effective on October 1, 2013.

Roll call on Senate Bill No. 98:

YEAS—20.

NAYS—Segerblom—1.

Senate Bill No. 98 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President pro Tempore. Senate Bill No. 102 expands the requirement that the Board of Trustees of the College Savings Plans of Nevada award a Kenny C. Guinn Memorial Millennium Scholarship annually from one senior or rising senior to two such individuals, such that the scholarships are provided to one student enrolled in an academic institution in the north and to one student enrolled in the south. The bill lists the eligible institutions in each of the two geographic categories. Should the Board of Trustees of the College Savings Plans of Nevada designate other eligible Nevada colleges and universities that award a bachelor's degree in education, it must indicate whether the institution represents the northern portion or the southern portion of the State. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 102:

YEAS—21.

NAYS—None.

Senate Bill No. 102 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President pro Tempore. Senate Bill No. 108 provides that a child who violates a county or municipal ordinance related to curfews or loitering is to be adjudicated by a juvenile court as a child in need of supervision rather than as a delinquent child. Senate Bill No. 108 decreases from eight to four days the length of time a child may remain in detention or shelter care pending the filing of a petition by a district attorney in juvenile court, excluding Saturdays, Sundays and holidays. It allows a juvenile court, for good cause shown by the district attorney, to authorize an additional four days for the filing of the petition, excluding Saturdays, Sundays and holidays. Finally, if a juvenile court finds that a suspension or delay in the issuance of a driver's license of a child causes severe or undue hardship to the child or the immediate family, the court may order the Department of Motor Vehicles to issue a restricted driver's license to the child.

Roll call on Senate Bill No. 108:

YEAS—21.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 125. It requires the Nevada Interscholastic Activities Association to adopt rules and regulations that provide the criteria to be used in determining whether to approve or disapprove all-star events without requiring the approval of any other organization. Senate Bill No. 125 requires that the Nevada Interscholastic Activities Association must make these changes on or before October 1, 2013.

Roll call on Senate Bill No. 125:

YEAS—21.

NAYS—None.

Senate Bill No. 125 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 130.

Bill read third time.

Remarks by Senators Segerblom and Manendo.

SENATOR SEGERBLOM:

Thank you, Mr. President pro Tempore. Senate Bill No. 130 requires the written notice from a homeowners' association concerning an alleged violation to include: (1) specific details of the alleged violation; (2) a proposed solution to remedy the alleged violation; and (3) a clear and detailed photograph of the alleged violation, under certain circumstances. In addition, the measure provides that the person charged with the alleged violation must be provided a reasonable opportunity to resolve the alleged violation or to contest the alleged violation at a hearing.

SENATOR MANENDO:

Thank you, Mr. President pro Tempore. I want to disclose that I serve on a HOA board, but this won't affect me any differently than any other board member, so I will be voting.

Roll call on Senate Bill No. 130:

YEAS—21.

NAYS—None.

Senate Bill No. 130 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President pro Tempore. Senate Bill No. 162 makes the various changes aforementioned concerning the licensure to provisions governing the Board of Medical Examiners and the State Board of Osteopathic Medicine. It expands disciplinary action or denial of licenses for certain acts committed knowingly and willfully by a licensee. It revises the provisions for summary suspension of certain medical practitioners, looks at the governing service of process of the licensees and adds physician assistant, perfusionist and practitioner of respiratory care to the list of licensees that the Board of Medical Examiners must include in its biennial report of disciplinary action taken for malpractice or negligence.

Roll call on Senate Bill No. 162:

YEAS—21.

NAYS—None.

Senate Bill No. 162 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President pro Tempore. Senate Bill No. 167 establishes provisions for a hospital to be designated and recognized as a ST-Elevation Myocardial Infarction, or "STEMI," receiving center, by the Health Division of the Department of Health and Human Services. The measure provides that a licensed hospital, which is not designated as a STEMI receiving center, may not advertise that the hospital is a STEMI receiving center. However, the bill does not prohibit any hospital from providing care to a victim of a heart attack, even if the hospital does not receive such a designation. The bill is effective January 1, 2014. Thank you, and I urge your support.

Roll call on Senate Bill No. 167:

YEAS—21.

NAYS—None.

Senate Bill No. 167 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 169.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President pro Tempore. Senate Bill No. 169 limits punishment for persons convicted of a gross misdemeanor to imprisonment in the county jail for no more than 364 days.

In addition, this measure reduces the length of time a person must wait to petition for the sealing of all records, relating to a conviction of 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—21.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 202; it creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee and provides for the committee's membership, duties and compensation. Among other issues, the Committee is required to foster effective communication, cooperation and partnerships between State and local governments, and improve the provision of services to Nevadans.

The Committee is required to meet at least once every three months and submit a report of its activities to the Legislature or Legislative Commission on or before July 1 every year. The report for July 1, 2016, must include the Committee's opinion as to whether it should continue to exist. Sections of this bill relating to appointments are effective on passage and approval; all other sections are effective on July 1, 2013. This bill expires by limitation on June 30, 2017.

Roll call on Senate Bill No. 202:

YEAS—21.

NAYS—None.

Senate Bill No. 202 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206.

Bill read third time.

Remarks by Senators Ford and Atkinson.

SENATOR FORD:

Thank you, Mr. President pro Tempore. Senate Bill No. 206 establishes a cottage food operation as an entity that manufactures or prepares certain food items for sale, meets certain requirements relating to the preparation, labeling and sale of those food items and registers with the health authority. Senate Bill No. 206 prohibits a local government from adopting any ordinance or other regulation that prohibits a person from preparing food in a cottage food operation within the person's private home. Finally, Senate Bill No. 206 adds a cottage food operation to the list of entities that are excluded from the definition of a "food establishment." The measure is effective July 1, 2013. I urge this Body's support.

SENATOR ATKINSON:

Thank you, Mr. President pro Tempore. I am a little bit lost so I would like to ask my colleague from Senate District No. 11 to please clarify for the Body, what exactly is a cottage food operation? I would appreciate the explanation.

SENATOR FORD:

Special thanks to my colleague from Senate District No. 4 who remembers that turnabout is fair play. A cottage food industry is one that creates non-perishable goods such as cakes, jams and things of that sort which are frequently sold at local food markets and church sales. Senate Bill No. 206 authorizes some good opportunities for entrepreneurship so I urge your support.

Roll call on Senate Bill No. 206:

YEAS—21.

NAYS—None.

Senate Bill No. 206 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 215 which revises various provisions governing county assessors as follows: (1) the training required for an appraiser certified by the Department of Taxation is changed from 36 hours every five years to 36 hours every three years; (2) the county assessor is authorized to waive a 10 percent penalty for the failure of an owner to report a mobile or manufactured home to the assessor within 30 days, as required by current law; (3) related to the transfer of a veteran's exemption from the Governmental Services Tax, the requirement for an affidavit to be submitted to the county assessor is changed to require the affidavit to be submitted to the Department of Motor Vehicles; and (4) the bill removes the June 30, 2013, expiration date for the 2 percent commissions used by county assessors to acquire and improve technology, and allows the assessors to receive these technology funds permanently. I urge this Body's support.

Roll call on Senate Bill No. 215:

YEAS—21.

NAYS—None.

Senate Bill No. 215 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 216 which revises various provisions related to county treasurers. First, the county treasurer is authorized to provide tax bills in an electronic format, in lieu of mailing a paper bill, if requested by the property owner or holder of the mortgage. Second, Senate Bill No. 216 clarifies that the notification required prior to the sale of a tax lien must be published in a newspaper at least once a week for four consecutive weeks. And third, the bill provides that the county treasurer may accept payment for delinquent taxes on a property up until three days prior to a tax lien sale versus under current law, where the payment must be received before the tax lien sale is advertised in a newspaper. This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 216:

YEAS—21.

NAYS—None.

Senate Bill No. 216 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 227.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President pro Tempore. Senate Bill No. 227 adds a natural gas project and a propane gas project to those projects that the governing body of a municipality is authorized to acquire, improve, equip, operate and maintain. Additionally, the governing body may defray the costs of such a project, in whole or in part, through the issuance of general obligation bonds. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 227:

YEAS—21.

NAYS—None.

Senate Bill No. 227 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 237.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President pro Tempore. Senate Bill No. 237 revises the definition of a "protected site" in Nevada to include any site, building, structure, object or district listed in the register of historic resources of a community, the State Register of Historic Places pursuant to Section 85 of Chapter 383 of *Nevada Revised Statutes* or the National Register of Historic Places. In addition, a protected site includes any such resource over 50 years in age located in a State or municipal park. I urge the Body's support.

Roll call on Senate Bill No. 237:

YEAS—21.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:07 p.m.

SENATE IN SESSION

At 3:17 p.m.

President pro Tempore Parks presiding.

Quorum present.

Senator Smith moved that Senate Bill No. 250 be taken from General File and placed on the Secretary's Desk.

Motion carried.

Senate Bill No. 262.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President pro Tempore. Senate Bill No. 262 bans the operation upon a State highway of a vehicle with a dynamic display billboard unless the vehicle is equipped with technology that limits the screen content from changing when the vehicle is in motion. The bill limits the locations where billboard content may by be changed to places such as alleys, parking lots, turnouts or areas that will not cause undue distraction to other drivers. The bill exempts dynamic display billboards operated for the purposes of traffic control, law enforcement, emergency response, public transit and public utilities. This bill is effective on October 1, 2013. I urge the Body's support.

Roll call on Senate Bill No. 262:

YEAS—21.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President pro Tempore. Senate Bill No. 264 requires the Advisory Commission on the Administration of Justice to include the following items relating to over-criminalization on an agenda for discussion: (1) a review of all criminal sentences; (2) a review of all criminal offenses which may be duplicative or sanction the same or similar behavior; (3) an evaluation of the reclassification of certain misdemeanor offenses to determine whether jail time is necessary and whether such offenses may be more appropriately classified as civil violations; and (4) an evaluation of certain felony offenses to determine whether misdemeanor punishment may be more appropriate given the disparate impacts a felony conviction may carry. Senate Bill No. 264 provides that the Advisory Commission on the Administration of Justice shall consider the lasting harm caused by the unlawful act, the blameworthiness accompanying the offense and the impact on future public safety. This measure is effective on July 1, 2013.

Roll call on Senate Bill No. 264:

YEAS—21.

NAYS—None.

Senate Bill No. 264 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President pro Tempore. Senate Bill No. 274 adds the Division of Welfare and Supportive Services, the Aging and Disability Service Division and the Health Division of the

Department of Health and Human Services to the entities authorized to execute contracts or agreements with certain governmental or private entities. Senate Bill No. 274 also authorizes the division that executed the contract or agreement to provide staff, services, and resources without payment to further the contract or agreement. The bill specifies certain responsibilities of the division that executed the contract or agreement and the private nonprofit corporation and clarifies that entering into such a contract or agreement does not waive any immunity from liability or limitation on liability that is provided by law.

Roll call on Senate Bill No. 274:
YEAS—21.
NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 279.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President pro Tempore. Senate Bill No. 279 is a clean-up bill that clarifies that the Secretary of State may refer or report alleged violations of law relating to business entities to the Attorney General or a district attorney. The Attorney General or a district attorney has discretion concerning whether to institute and prosecute such proceedings.

Roll call on Senate Bill No. 279:
YEAS—21.
NAYS—None.

Senate Bill No. 279 having received a constitutional majority, Mr. President pro Tempore declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 281.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President pro Tempore. Senate Bill No. 281 provides for a property tax exemption to be enumerated in statute for the Thunderbird Lodge Preservation Society, a nonprofit and charitable organization which is already a tax-exempt entity. The exemption will be in effect through June 30, 2033, and will eliminate the requirement for the Preservation Society to pay property taxes and then seek a refund related to property it owns that is separate from the main Thunderbird Lodge property. This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 281:
YEAS—21.
NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. President pro Tempore declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 284.
Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President pro Tempore. Senate Bill No. 284 requires a law enforcement agency in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt policies and procedures governing the investigation of motor vehicle accidents in which peace officers employed by the law enforcement agency are involved, especially in situations where the result is a fatal injury. The exceptions are when a law enforcement agency does not have comparable equipment and personnel to investigate the accident, is unavailable or the delay in the initiation of the investigation would alter the integrity of the accident scene. Senate Bill No. 284 allows for cooperation between the law enforcement agency and agencies in other jurisdictions for the investigation of such accidents.

Roll call on Senate Bill No. 284:

YEAS—21.

NAYS—None.

Senate Bill No. 284 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President pro Tempore. Senate Bill No. 304 revises various provisions of the Charter of the City of Sparks. It clarifies the authority of the City Manager to exercise control over the officers of the City applies only with respect to appointed officers. It also authorizes the City Council to employ special counsel to represent the City Council. The City Attorney shall have no responsibility or authority concerning the subject matter of an attorney employed as a special counsel.

Senate Bill No. 304 repeals certain sections of the Charter of the City of Sparks that are duplicated in the City's Civil Service regulations and elsewhere. Additionally, the City's Civil Service Commission is required to call a special meeting not later than 15 days after receiving notice from the City Manager, and is required to hold at least one regular meeting each quarter.

Roll call on Senate Bill No. 304:

YEAS—21.

NAYS—None.

Senate Bill No. 304 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 335.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President pro Tempore. Senate Bill No. 335 requires a person seeking to be employed or to enter into a contract or lease to drive a taxicab in a county under the jurisdiction of the Nevada Transportation Authority, which is all counties except Clark County, to obtain a medical examiner's certificate indicating the prospective driver meets certain health requirements. The person must provide a copy of the medical examiner's certificate to the taxicab motor carrier; the certificate expires two years after the date of issuance and may be renewed. Senate Bill No. 335 also defines a medical examiner as a physician or a chiropractic physician, relative to a medical examiner who can provide a certificate for any prospective taxicab driver under the jurisdiction of the Nevada Transportation Authority or the Taxicab Authority.

Roll call on Senate Bill No. 335:
YEAS—21.
NAYS—None.

Senate Bill No. 335 having received a constitutional majority, Mr. President pro Tempore declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 338.
Bill read third time.
Remarks by Senator Cegavske.
Thank you, Mr. President pro Tempore. Senate Bill No. 338 changes various terms in *Nevada Revised Statutes* related to mental health. Specifically, it replaces the terms "mental retardation" and "mentally retarded" with "intellectual disability" and with "intellectually disabled," respectively. The bill also changes other similar words and terms in a similar manner. The bill is effective on July 1, 2013. These changes are intended to mirror changes made by the federal law commonly cited as "Rosa's Law." I appreciate your support.

Roll call on Senate Bill No. 338:
YEAS—21.
NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 342.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President pro Tempore. Senate Bill No. 342 authorizes a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of a street it owns for the purpose of conforming the legal description of real property to a recorded survey or map of the relevant area. Before proceeding with the simplified procedure, a governing body must provide written notice to utility and video service providers to ensure that any issues related to easements on the affected property can be addressed. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 342:
YEAS—21.
NAYS—None.

Senate Bill No. 342 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 347.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President pro Tempore. Senate Bill No. 347 requires the Advisory Commission on the Administration of Justice to include on an agenda a discussion of items relating to parole including a survey of the parole system of Nevada and other states, and a review of states that replaced discretionary parole systems with systems of determinant sentencing.

Roll call on Senate Bill No. 347:

YEAS—21.

NAYS—None.

Senate Bill No. 347 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 351.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President pro Tempore. Senate Bill No. 351 makes it illegal for medical care providers treating patients on a lien-basis to refer those patients to other medical care providers who likewise treat the patients on a lien-basis and then to buyback those liens. Therefore, Senate Bill No. 351 prohibits a health care provider or health facility that treats a patient for a condition for which the patient has filed or intends to file a civil claim to recover damages, or any business in which such a provider or facility has a financial interest, from acquiring a debt or lien for services that arise from the same claim and are provided to the patient by another facility. A person who violates these provisions is guilty of a Category E felony and may be further punished by a fine of not more than $25,000 for each violation. This bill passed unanimously out of the Senate Committee on Commerce, Labor and Energy and I encourage your support.

Roll call on Senate Bill No. 351:

YEAS—21.

NAYS—None.

Senate Bill No. 351 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 365.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President pro Tempore. Senate Bill No. 365 provides that a person commits the crime of stolen valor and is guilty of a gross misdemeanor if the person knowingly and with the intent to obtain money, property or another tangible benefit fraudulently represents himself or herself to be a recipient of certain military decorations or medals, and obtains money, property or another tangible benefit through such fraudulent representation.

I want to thank the Senate Committee on Judiciary for its unanimous support of Senate Bill No. 365. I urge your "yes" vote on this measure.

Roll call on Senate Bill No. 365:

YEAS—21.

NAYS—None.

Senate Bill No. 365 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 405.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President pro Tempore. Senate Bill No. 405 is an effort to do some streamlining and be more efficient with our State government requirement for reports. It eliminates the requirement that State agencies, district or juvenile courts and local governments submit to the Legislature certain reports that have become obsolete or are redundant. The Director of the Legislative Counsel Bureau shall develop criteria for the elimination or revision of other obsolete or redundant reports, including consideration of the length of time the report has been required and the availability of the information from other sources. Each Biennium, the Director of the Legislative Counsel Bureau shall recommend to the Legislative Commission reports for elimination or revision.

In today's world of technology, we have many ways of obtaining information without having to require a written report. Senate Bill No. 405 lifts some onerous requirements from our State agencies. I encourage this Body's support.

Roll call on Senate Bill No. 405:

YEAS—21.

NAYS—None.

Senate Bill No. 405 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 419.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President pro Tempore. Senate Bill No. 419 authorizes a notary public who has obtained a certificate of permission from a county clerk to perform marriages. In addition, the measure authorizes a minister, other church or religious official, or a notary public to submit to the county clerk an application to perform a specific marriage in the county. In these instances, the bill provides the information to be included in the application and requires a $25 application fee to accompany the application. A person may not obtain more than five authorizations to perform a specific marriage in any calendar year.

Senate Bill No. 419 authorizes a notary public to collect a fee of not more than $75 for performing a marriage ceremony. The bill also increases the fee charged for the performance of marriages by a commissioner of civil marriage from $45 to $70 and by a justice of the peace from $50 to $75. Finally, Senate Bill No. 419 requires a temporary replacement for a minister or other church or religious official to pay an application fee of $25 to the county clerk for written authorization to solemnize a marriage.

Roll call on Senate Bill No. 419:

YEAS—20.

NAYS—Gustavson—1.

Senate Bill No. 419 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President pro Tempore. Senate Bill No. 434 authorizes any peace officer, without a warrant, to seize and take possession of any vessel which: (1) is being operated with any improper number or certificate of ownership; (2) the peace officer has probable cause to believe has been stolen; (3) has a hull number or other identifying mark that has been falsely

attached, removed, altered or obliterated; or (4) contains parts on which a manufacturer's identification number has been falsely attached, removed, defaced, altered or obliterated.

Senate Bill No. 434 permits a law enforcement agency to inspect a seized vessel to determine whether any person has presented satisfactory evidence of ownership. Finally, Senate Bill No. 434 increases, from $500 to $2,000, the property damage threshold that requires a vessel owner or operator to file a report with the Nevada Department of Wildlife describing a collision, accident or other casualty involving the vessel. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 434:

YEAS—21.

NAYS—None.

Senate Bill No. 434 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 437.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 437 revises provisions concerning the filing of false or fraudulent claims for Medicaid to make Nevada's laws at least as effective at rewarding and facilitating certain actions as provisions of federal law.

Senate Bill No. 437 includes, among others, provisions: (1) limiting the award a court may make to certain persons upon a recovery concerning a false claim; (2) increasing the minimum and maximum amounts of civil penalties for which a person is liable who commits certain actions related to a false claim; and (3) requiring that if the Attorney General intends to settle a false claim action, the court must determine whether the proposed settlement is fair, adequate and reasonable.

Senate Bill No. 437 also strengthens protections for an employee, contractor, or agent who is retaliated against by an employer as the result of any lawful action brought pursuant to this act. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 437:

YEAS—21.

NAYS—None.

Senate Bill No. 437 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 438.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President pro Tempore. Senate Bill No. 438 authorizes the Colorado River Commission of Nevada to borrow up to $35 million through the issuance of bonds to prepay the cost of electrical capacity and energy generated at Hoover Dam. This money may also be used to pay, finance or refinance a portion of the capital costs associated with operating the Hoover Dam. These new bonds may be issued in the form of general or special obligation securities by the Commission no later than June 30, 2028. The bill authorizes the Commission to determine the amount and timing of the issuance of these securities and clarifies that the limitations on their issuance do not apply to those securities issued under the State Securities Law for the purpose of refunding the securities under the bill.

Roll call on Senate Bill No. 438:

YEAS—21.

NAYS—None.

Senate Bill No. 438 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President pro Tempore. Senate Bill No. 443 clarifies the duties of the Department of Education and the Charter School Authority with regard to the application and authorization process for sponsors of charter schools. The bill adds applications submitted for schools sponsored by a college or university within the Nevada System of Higher Education to existing provisions governing the submission of applications to the Department by other sponsors. The Department of Education is required to adopt regulations concerning the application and approval process for sponsorship, as well as the procedures it would follow to continue or revoke sponsorship. The regulations also must specify the process the Department of Education must use to conduct a review every three years of the sponsors it has approved. In addition, Senate Bill No. 443 deletes statutory provisions allowing sponsors of a proposed charter school to request the Department of Education review the charter school application to determine if it is complete and compliant.

Further, Senate Bill No. 443 revises provisions governing the duties of charter school governing bodies. Training duties for charter school governing board members are transferred from the Department of Education to the sponsors of charter schools. Under the bill, certain affidavits signed by the members of the governing body must be submitted to the school sponsor rather than to the Department of Education. Finally, the date by which the annual evaluation report a sponsor must submit to the Department of Education is changed from August 15, to October 1, of each year. The bill is effective on July 1, 2013. The Senate Committee on Education asks your support.

Roll call on Senate Bill No. 443:

YEAS—21.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457.

Bill read third time.

Remarks by Senators Spearman, Settelmeyer, Denis, Kieckhefer, Hardy, Atkinson, Ford, Kihuen, Gustavson, Hutchison, Brower, Roberson.

SENATOR SPEARMAN:

Thank you, Mr. President pro Tempore. Senate Bill No. 457 proposes revisions to the charters of Carson City, Henderson, Reno and Sparks. The bill provides that a candidate be voted upon in a primary or general election only by the voters of the ward.

In Reno, the office of the at-large council member is eliminated. The Reno City Council is required to re-establish ward boundaries to create a sixth ward. At the effective date, Senate Bill No. 457 provides that those elected from wards shall continue to represent those wards for the remainder of the term of office. The at-large council member shall be deemed to represent the sixth ward for the remainder of the term.

Provisions relating to administrative purposes in all four cities are effective upon passage and approval. For all other purposes, provisions relating to Carson City, Henderson and Sparks are effective on July 1, 2013, and provisions relating to Reno are effective on January 1, 2014.

In Carson City and Henderson, candidates are elected citywide in both the primary and general elections. In Reno and Sparks, candidates are voted on by the registered voters of the ward that they seek to represent in the primary election and are voted on by all registered voters of the city in the general election.

Mr. President pro Tempore, I asked the Research Division to go back at least five years so I could see if there were any patterns. This research shows, in each instance, the wards that are wealthy, more educated and with fewer minorities, those are the areas that, without fail, are electing everyone else. Senate Bill No. 457 is designed to bring equity to the voting process. The way things are right now, minorities are marginalized as are those who are economically disenfranchised and people who don't have a great deal of education. This bill is designed to bring greater civic participation back to the election process. I urge this Body's support.

SENATOR SETTELMEYER:

Thank you, Mr. President pro Tempore. I saw this bill differently; I thought this was an issue of sovereignty. To me, it is a situation where, if the federal government through the United States Congress were to tell us that we need to change our State Constitution and arbitrarily do it, it would be inappropriate. I see this legislation as doing the same thing to the charters of the municipalities listed in the bill. We are changing their charters at our will without going through the proper process which is a vote of the people.

In the Reno-Sparks area, a question about this topic was recently on the ballot. It failed at a rate of 76 percent to 24 percent. We also had Carson City come to testify; they will be placing an item about their charter on an upcoming ballot. I think the people should be allowed to vote on these matters.

When I talk to people, I also hear concerns about voting for those who are in different wards or other districts. In the same respect, I talk to individuals who also express concern that they want to be able to vote on any taxes being raised. If there is a proposal to raise the property taxes of a whole county, everyone in that county wants to vote on it.

We are only proposing to change three charters in this proposed legislation, however, we have similar situations with school boards and county commissioner races in multiple counties. That is why I oppose this bill.

SENATOR DENIS:

Thank you, Mr. President pro Tempore. I stand in support of Senate Bill No. 457. As we get more and more people involved in this process, it can be difficult to overcome things that have been done the same way over and over. If we are going to have someone representing an area, they should be elected by the people they represent rather than those who they don't represent, those who might live in a different area.

This is an issue of fairness. If we are going to divide our cities into wards, the people in those wards should determine who represents them. Again, I stand in support of Senate Bill No. 457.

SENATOR KIECKHEFER:

Thank you, Mr. President pro Tempore. I rise in opposition to Senate Bill No. 457. I represent two of the four governments who would be affected by this proposed legislation: the City of Reno and Carson City. I take issue with the idea that we are amending the charters of these governments without their consent or approval. Both Carson City and the City of Reno oppose this legislation; they both have charter review committees and both of those committees meet. The City of Reno's charter committee met during the last Interim and forwarded a piece of legislation without taking up this issue.

After legislation came out of this Body in 2011, the City of Reno did put a ballot question forward to the people of Reno asking this very question. The voters rejected it at 76 percent. There has been some question about whether the ballot question was well stated, if voters knew what they were voting for. I would like to read it because I feel it is clear, "A yes vote would preserve the existing provision of the City Charter allowing each voter to vote for all Council members in the General Election." To me, that's clear; it asks if you want to vote for everyone.

The opposite said, "A no vote would recommend amendment to the existing provisions of the City Charter to allow each voter to vote for the Council members only in their respective wards in the General Election." That is clear, too.

It has been suggested that if this ballot question were confusing, which I don't believe it was, the conventional wisdom says voters will vote no if they don't understand a ballot question. In this case 76 percent of the voters said yes, they wanted to maintain the current system. A statement from the voters like that from the city in which I reside and with the majority of the voters who I represent, I cannot in good conscience vote for this legislation.

Carson City would also be impacted by Senate Bill No. 457. They want to put these charter issues on the ballot in the upcoming election. The people of Carson City should have the opportunity to weigh in on it.

I respect the arguments made by my colleague from Senate District No. 1. Efforts to engage greater diversity within the electoral process and ensure there is more adequate representation within elected bodies is important and should be discussed. However, I don't think this is the way to best accomplish that. It disregards and refutes very recent election results by the people of this State.

SENATOR HARDY:

Thank you, Mr. President pro Tempore. My roots are in local government and I have found that local government likes to do what they call "home rule." Home rule in this case would allow the cities to vote for themselves which is the closest you can get to the people.

I have seen competition with the ward system. De facto representation is decreased; if the one representative has turned his or her back on a segment or a minority population, the other representatives tend to defer their decision to the single representative's decision. I will be voting no on this legislation.

SENATOR SPEARMAN:

Thank you, Mr. President pro Tempore. I appreciate the comments of my esteemed colleagues. However, there is a recent example I would like to share. A friend of mine, age 77, and his wife, age 83, are both recent survivors of cancer. The city sewer backed up into his house and half of his home was covered in sewage. He had to pay to have it cleaned up. He called the City Council several times and could not get a response. He finally called me and asked if I could help. I called this particular city and the person I spoke with promised me they would call my friend back. I spoke with him two days later to find out what had happened; he advised me that no one had called him back. I asked him to try again; he let me know he had talked with everyone there. I asked him who his representative was on the City Council; he responded, "I don't know. Everybody I guess."

It wasn't until last Thursday when I spoke with representatives of this particular city in person that my friend was able to get the situation resolved. He bore the cost because he could not get anyone at the city to be held accountable for the situation.

I understand home rule and I also understand the voice of the people. The other thing I understand is the only reason women have the right to vote is there were some men who understood that when you exclude some, it is not democracy. The only reason the voting laws of the 1960s, as well as the Jim Crow laws, were struck down—it was not because of the people who were affected—the laws were struck down by the people who could vote. They understood marginalizing people.

I understand there are some who believe the wording on the Reno ballot was clear and concise. With all due respect to my colleague representing Reno and Carson City, the actual ballot question was very confusing. I have spoken with City Council members and I have also spoken with citizens; many said they just voted without understanding what they were voting about. Some said they did not vote because they did not understand.

Once again, this bill is about fairness and it is about equity. It is a question of including everyone in the process and not having one or two parts of the city or county to determine who will represent them. I equate this to all of us Senators being allowed to run in our own districts in the primary and general elections; we are not required to run statewide. When you have minorities and those who are economically disenfranchised and they have to mount a campaign to raise money, it is usually such a daunting task, they won't even try.

The data shows that the current systems, as they are, disenfranchise 75 percent of the population because only one or two wards are actually electing people. I urge your support.

SENATOR ATKINSON:

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 457. I would like to talk a little bit about history. I ran a similar bill in 2007 when I was in the Assembly representing North Las Vegas. To my colleague in Senate District No. 16, the way the ballot question read there was no way I would have been able to figure it out. The ballot question we used in North Las Vegas was very simple, "If voting was held today, would you prefer to vote for members in the ward you live in?" In North Las Vegas, 72 percent of the people voted for it. The way the question was worded in City of Reno suggests there was a problem with the wording or the way it was represented. I don't think we have major differences among the voters in this State that 76 percent in one part said no and 72 percent in another part said yes.

There were hundreds and thousands of dollars spent in support of the question posed to North Las Vegas as well as hundreds and thousands of dollars spent against the question. I believe the sponsor of Senate Bill No. 457 is trying to avoid that situation. She is trying to avoid a process where different counties and cities are spending that kind of money to either defeat or advocate for a certain position.

I do not want to reiterate what has been said by others but there are major issues with respect to minority representation and folks who live among those folks. I see this legislation as trying to make sure that we have representation that is reflective of the individuals living there.

The Chair of the Senate Committee on Legislative Operations and Elections looked at information around where votes were coming from. There were two different instances where council members lost the number of votes in the ward they were representing but won because they picked up votes in more financially-stable wards. I feel this is a practice that needs to stop. It needed to stop in North Las Vegas and it is a practice that needs to stop statewide.

SENATOR FORD:

Thank you, Mr. President pro Tempore. I rise to join my colleagues from Senate District Nos. 1, 2 and 4 in supporting Senate Bill No. 457. With all due respect to my colleagues from Senate District Nos. 12, 16 and 17, I believe this is an issue of fairness and equality. When you are looking at opportunities to allow people representation in government, it should be to elect those who will actually represent them as opposed to representing other interests.

If the statistics that my colleague from Senate District No. 1 has revealed are true—the more affluent, majority-based populations are electing everyone throughout a particular municipality—it needs to be addressed. While I agree that sovereignty is an issue, I also believe we have an opportunity as a State to demonstrate that we believe in equality for everyone. It should be a State policy.

I will be voting in support of Senate Bill No. 457 and I suggest you do so as well.

SENATOR KIHUEN:

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 457. My colleagues from Senate Districts No. 1, 2 and 11 very eloquently articulated the reasons why I rise in support. I think it is very simple; if you live in Summerlin, you do not understand the issues of East Las Vegas and vice versa. Why would you want the residents of Summerlin voting for candidates who do not understand the issues of East Las Vegas. If I live in East Las Vegas and I am running for citywide office and I do not understand the issues of Summerlin, why would I want to represent them?

Aside from the issues of fairness and equality with which I wholeheartedly agree, I also think you need to understand the issues of your constituents that you are looking to represent. Ward voting does just that; you elect representatives who live in your neighborhood who understand your issues and will give the constituents a louder voice. Again, I urge the Body's support.

SENATOR GUSTAVSON:

Thank you, Mr. President pro Tempore. I rise in opposition to Senate Bill No. 457. I agree with my colleagues from Senate District Nos. 12, 16, 17 and 18. I represent part of Reno; for the same reasons that the citizens of Reno recently voted overwhelmingly in support of not doing

what is proposed in this bill, I will be voting in opposition. If you wish to do this in Clark County that may be another matter, but for Carson City and Reno, I urge you to oppose this bill.

SENATOR HUTCHISON:

Thank you, Mr. President pro Tempore. I rise in support of Senate Bill No. 457. A few years ago this Body could not draw the lines for the Nevada Senate and Assembly Districts, and as a result redistricting litigation commenced in court. I represented one of the political parties in that litigation; I will let you guess which one. I did a lot of studying, research and analysis related to what we are talking about here today: how do we ensure equitable and fair representation in this Country.

In my opinion, the Voting Rights Act of 1965 provides the spirit of what we ought to be doing here; providing representation for people who have common characteristics, common demographics and common interests within a geographic area. I have a hard time supporting the idea that we ought to allow a broad geographic area determine who should represent smaller, sub-geographic area. I agree with my colleague from Senate District No. 10. I live in Summerlin and I don't understand all of your constituent issues. I think anyone who suggests the contrary is wrong.

For me, it's a matter of equal protection, and a matter of fairness. I believe it may be constitutionally-suspect to allow this kind of representation to continue. I also believe that government closest to the people governs best. You ought to be able to pick up the phone and call someone who lives close to you to deal with issues that are important to you. For that reason, I will vote in support of Senate Bill No. 457.

SENATOR BROWER:

Thank you, Mr. President pro Tempore. I am sensitive to all of the issues and arguments raised by my colleagues; I am not certain Senate Bill No. 457 will solve any of them. If I was a resident of Carson City and I had a chance in the next election to vote on this issue, I might vote to change the way voting is done in Carson City. Ultimately, I think it is up to those cities, preferably at the ballot box, to make those decisions for themselves.

If someone could show me an opinion that convinced me the current plan in these various cities was unconstitutional, was in violation of the Voting Rights Act of 1965, I would be the first to say, "it is our duty to change it." The bottom line is, I think this is really a matter of local control and I think these cities should decide for themselves. It may be they should decide to make a change but absent the constitutional infirmity with these electoral schemes, I am not convinced we should micromanage from the Nevada Legislature. I will vote in opposition.

SENATOR SPEARMAN:

Thank you, Mr. President pro Tempore. My colleague from Senate District No. 10 read you the explanation, but this is the question that was actually on the ballot: "Shall the five City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election?" When I talked to some folks, they said they thought it meant, "Can we all still have the right to vote?" They did not understand that it meant at-large voting.

I believe the Nevada Constitution gives this Body not just the right but also the responsibility to look at the situation of all Nevadans. We do have a responsibility to correct it whenever we see injustice. I believe that right now, because of the way the situation is set up—and the data supports it, this is not an emotional issue—the places where people are more affluent, where the Majority Party resides, where they have more education, these are the people who are electing the citywide representatives.

Last year was the first time a Latino was elected in Reno. The facts speak for themselves. Once again, I ask for your support.

SENATOR ROBERSON:

Thank you, Mr. President pro Tempore. I was not planning to speak but I didn't want to feel left out given that just about everyone has spoken on Senate Bill No. 457. It is nice to see after so many bills being entertained on the Floor today that we have some debate. It is good, healthy and it keeps us awake. I have listened to both sides of this argument and on this one, I believe the proponents have the better argument. I will be voting in support of Senate Bill No. 457.

Roll call on Senate Bill No. 457:

YEAS—14.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hardy, Kieckhefer, Settelmeyer—7.

Senate Bill No. 457 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President pro Tempore. Senate Bill No. 458 enacts the Uniform Faithful Presidential Electors Act. Electors, who represent Nevada in the Electoral College, must pledge to cast their votes for the President and Vice President of the United States according to the results of the popular vote in this State at the General Election. Nevada's Secretary of State is authorized to enforce the pledge of an elector. In the event that an elector returns a ballot that does not conform to the pledge, the Secretary shall refuse to accept the ballot, declare the position of elector vacant and appoint an alternate who will also be bound by the pledge. This bill is effective on October 1, 2013.

Article II, Section 1 of the *United States Constitution* provides that each state shall appoint its electors in the manner as the state legislature may direct. The Uniform Faithful Presidential Electors Act has been proposed by the Uniform Law Commission.

Roll call on Senate Bill No. 458:

YEAS—21.

NAYS—None.

Senate Bill No. 458 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Senators Spearman, Hutchison, Settelmeyer, Brower, Ford, Segerblom and Roberson.

SENATOR SPEARMAN:

Thank you, Mr. President pro Tempore. Senate Joint Resolution No. 11 urges the United States Congress to propose and advance an amendment to the *United States Constitution* to restore the authority of federal and state governments to regulate and restrict political expenditures and to reestablish that the rights protected by the *United States Constitution* are granted only to natural persons and not to artificial entities created by a state. This resolution is effective upon passage.

SENATOR HUTCHISON:

Thank you, Mr. President pro Tempore. I appreciate very much my colleague from Senate District No. 1 presenting this resolution. For me, this resolution is inconsistent with the people's First Amendment rights of free speech on political matters, freedom of association for those same political matters and the right to petition government as they deem necessary. Although there are challenges that we all acknowledge with large expenditures by corporations, labor unions and other organizations that spend a lot of money on elections, with core Constitutional rights, the balance for competing interests favors the First Amendment. Therefore, on this resolution, I will not be joining my colleague in Senate District No. 1 in a vote of support, but I do appreciate the opportunity to speak on this important subject.

SENATOR SETTELMEYER:

Thank you, Mr. President pro Tempore. In looking at the majority opinion in *Citizens United v. Federal Election Commission*, it says, "The First Amendment prohibits Congress from fining, jailing citizens or associations of citizens from simply engaging in political speech." That is why I oppose this resolution. It seeks to go back to that majority opinion in the *Citizens United v. Federal Election Commission* which states, "The First Amendment does not allow prohibitions of speech based on the mere identity of the speakers." By putting this resolution forward we are trying to put something back into law that would do just that—penalize people based solely on their identity. I oppose it.

SENATOR BROWER:

Thank you, Mr. President pro Tempore. I too appreciate the views on this issue from my colleague from Senate District No. 1. I don't support this resolution. I will further read from United States Supreme Court Justice Roberts concurring opinion in *Citizens United v. Federal Election Commission*, "The First Amendment protects more than just the individual on a soapbox and the lonely pamphleteer." I think the majority opinion was right and I think the Chief Justice was right in his concurring opinion.

To hold other than the court did in *Citizens United v. Federal Election Commission* would be to infringe upon the First Amendment rights of our citizens. The key to legislation in this area is transparency not limiting the right that folks have to voice their political opinions in whatever way they choose.

We have had a few bills considered by this Body so far this Session that try to get at the transparency issue. Senate Bill No. 194 did not get a hearing in this Body despite the fact that essentially the same bill was passed with a vote of 21-0 by the Nevada Senate in 2009. Assembly Bill No. 178, which did get a hearing on the other side, but despite no opposition, I repeat no opposition at the hearing, could not get a vote in Committee. Senate Bill No. 63 introduced by the Nevada Secretary of State was not processed by last Friday's committee passage deadline. The Secretary of State and I had a discussion about Senate Bill No. 63 in my office a few weeks ago and discussed the pros and cons; we concluded with a bipartisan laugh that it wasn't going to go very far in this Body.

I suggest, respectfully, that we take a hard look at doing some real work on transparency. I think that's what our constituents want. That, for me, is what campaign finance reform is all about. Resolutions that call for a Constitutional Convention are frankly, a waste of our time in my opinion.

SENATOR FORD:

Thank you, Mr. President pro Tempore. I acknowledge that I have a bit of difficulty with Senate Joint Resolution No. 11. I have waffled in my own mind back and forth as to how I would like to proceed with it. Ultimately, to be intellectually honest, I need to oppose the resolution.

It seems to me that based on the Constitutional understandings that I have from law school, the First Amendment does, in fact, protect this form of speech. If what we are trying to get at are the transparency issues that my colleague from Senate District No. 15 has referenced, I think there are some opportunities to do that. Notwithstanding that bills did not make it to the deadline—there may have been other issues with those—I am not trying to debate that. I am saying, however, a resolution that seeks to remove First Amendment protections from corporations that are legal fictions is the wrong approach. I will be voting no on this particular legislation.

SENATOR SEGERBLOM:

Thank you, Mr. President pro Tempore. To me, it is very simple: if you have a democracy in a country which says, "all men are created equal," how can you have a situation where one person spends $100 million and the rest of us spend $1,000 or $2,000? The person that spent $100 million happens to be a resident of our State. He opposes having taxes on himself; he can distort the process to the point where he does not have to pay his fair share. He spent $100 million and he's worth something like $20 billion. That's not democracy.

Also, how can you claim a corporation is a person? How can it be said that a corporation has an unlimited right to speak? Corporations go on forever, while people like you and me will die at some point. Therefore, whatever we do dies with us. A corporation lives forever, it's a creature of us. To say a corporation is a person is ridiculous.

I think it's critical we get money out of this process. That people can spend millions, and hundreds of millions of dollars, to fight us when we are trying to work for the ordinary people of this country is wrong. I strongly support this measure.

SENATOR ROBERSON:

Thank you, Mr. President pro Tempore. I was not planning to speak on this item. However, I was frankly moved by the speech of my colleague from Senate District No. 15. He is right on.

Unfortunately this Body, like the other House, does not have the best reputation with the media when it comes to transparency and campaign finances. Nationally, we are near the bottom of transparency rankings. There have been a lot of campaign finance bills and ideas proposed this Session in each House. Most did not get very far.

I am not going to blame or point fingers at anyone in particular. At some point we need to look at ourselves and ask why we are not open to more transparency. We are proposing resolutions to tell the United States Congress to turn against what the United States Supreme Court has done with regard to free speech; at some point someone is going to accuse us of blatant hypocrisy. We can and should do better everybody. I am going to vote against this resolution.

SENATOR SPEARMAN:

Thank you, Mr. President pro Tempore. I appreciate the remarks of all of my colleagues, especially those who are more learned than I am in the law. However, the United States Supreme Court decision on *Plessy v. Ferguson* rendered a human being three-fifths of a person. That was overturned because people realized later on that doing something like that—minimizing the worth of a person—was not just about constitutionality; indeed, it was about personhood.

Senate Joint Resolution No. 11 seeks to urge the United States Congress to not consider corporations as people for the sake of free speech; people have free speech. This resolution doesn't do anything to controvert that. It simply says if you take the kind of money spoken of these last few minutes out of an election, ordinary people have a right to vote and their voices will be heard. If we continue on the path we are on, I believe it will not be long, like in *Plessy v. Ferguson*, that the United States Supreme Court ruling will be overturned. People are not three-fifths of a person, they are a whole person.

SENATOR BROWER:

Thank you, Mr. President pro Tempore. I have grown to admire my colleague from Senate District No. 3 as we spend each morning together on the Senate Committee on Judiciary. However, let me give you a couple of examples of why he is wrong on this issue: the first example has to do with a certain resident of Las Vegas who, during the last presidential primary campaign, spent hundreds of millions of dollars on the presidential candidate of his choice. We recall that presidential candidate did not do very well because ordinary people just did not like him. The second example is my colleague from Senate District No. 1 who I have also grown to admire and who I enjoy working with. I haven't looked at the numbers, but I will guarantee she was outspent in her race. And she won because ordinary people in her Senate District prefer to have her here.

This is not just about the money. But even if it was, we have that little thing called the First Amendment that gets in the way. We should all be grateful that it does.

To the Minority Leader, you say that at some point someone might accuse us of hypocrisy? Mr. President pro Tempore, that is what I did. That is what I am doing. We cannot take up real campaign finance reform, but we can propose a resolution? It makes no sense to me, and more importantly, I don't think it makes any sense to any of our constituents.

SENATOR SEGERBLOM:

Thank you, Mr. President pro Tempore. I was thinking about the First Amendment, however, the First Amendment in this case is a five-to-four United States Supreme Court decision; one

Supreme Court justice voting the other way and the First Amendment says what we are talking about is right—that there is no free speech for corporations or for one person who spends hundreds of millions of dollars. If one United States Supreme Court justice flipping can make that decision, it tells me we need to get involved and urge the United States Congress to do this.

SENATOR FORD:

Thank you for recognizing me again, Mr. President pro Tempore. I would like to make a couple of points. In the *Plessy v. Ferguson* example we have heard, it took 60 years before the United States Supreme Court ultimately said we were wrong. And on this issue, they may ultimately say they are wrong.

What we have here are decades of precedent that define First Amendment protections for corporations. We have relied upon those precedents. The precedent was a five-to-four vote the last time it was considered; it may very well be that next time the decision is reversed. But it does not appear to me that it is worth our while to attempt to convince the United States Congress to move forth a constitutional amendment to change this by virtue of the fact that we disagree with the way some corporations or individuals have acted toward campaign finance.

We need to be addressing that and other issues in statutes; we have legislation working its way through the system right now that is attempting to do that. I encourage the Body to vote against this particular resolution so we can continue to stand tall with the First Amendment and hold ourselves accountable.

Roll call on Senate Joint Resolution No. 11:

YEAS—10.

NAYS—Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—11.

Senate Joint Resolution No. 11 having failed to receive a constitutional majority, Mr. President pro Tempore declared it lost.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Senator Ford and Smith.

SENATOR FORD:

Thank you, Mr. President pro Tempore. Senate Joint Resolution No. 14 expresses the Nevada Legislature's support for the Lyon County Economic Development and Conservation Act (House of Representatives Resolution No. 696) which was introduced in the 113th United States Congress on February 14, 2013, by Nevada Congressman Steven Horsford. Senate Joint Resolution No. 14 urges the passage of the Lyon County Economic Development and Conservation Act and requires the transmission of this resolution to the Vice President of the United States, the Speaker of the United States House of Representatives and each member of Nevada's Congressional Delegation. I urge this Body's support.

SENATOR SMITH:

Thank you, Mr. President pro Tempore. I will be supporting Senate Joint Resolution No. 14, but I would like to put on the record that I do have concerns about this particular provision and what the State of Nevada's ultimate responsibility could be. If the measure is successful and this property is annexed into the City of Yerington's current sphere of influence; if things do not go well sometimes the State ends up taking responsibility for cities in financial distress. I will continue to work on what our options are in that regard.

Roll call on Senate Joint Resolution No. 14:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Settelmeyer requested that the following remarks be entered in the Journal.

SENATOR SETTELMEYER:

Thank you, Mr. President pro Tempore. I have the pleasure today of having several guests from Douglas County who are with the Partnership of Community Resources, Douglas County Substance Abuse and Wellness Coalition. I have done proclamations for them in the past, for programs and events such as "Kick Butts Day." These programs and events make sure our youth are staying away from things they should stay away from.

Today I recognize students taking on prevention. Today's theme is "What a Difference a Law Makes." Youth are here to witness Floor sessions at the Legislature, educate the public about drinking and driving and laws passed to reduce underage drinking. They have a computerized Jeopardy game and display in the lobby of the Assembly and other things to help youth.

SENATOR SMITH:

Thank you, Mr. President pro Tempore. As you have noticed, we have several suffragettes in the Legislative building today and they are dressed in period costume. I would like to give the Body a bit of background on the why they are here today. The Nevada Equal Suffrage Society held its first annual statewide meeting in February of 1913. They approved a resolution that was filed with the Nevada Secretary of State and then started forming local societies that would help them with their campaign.

The 1913 Nevada Legislature's positive action sparked an energetic and vigorous campaign for the passage of an amendment to the *Nevada Constitution* to allow women the right to vote. They gave speeches, participated in parades, had pro-suffrage newspaper columns and mass mailings throughout the State.

I know it seems hard to believe but there was organized opposition to women's suffrage including anti-suffrage newspaper editorials, energized opportunities that were against the movement; there were many who thought the change might not be easily passed by the all-male voting population.

Fortunately, after a hard-fought campaign and with the approval of the majority of the Nevada voters, the right of women to vote finally became a reality in Nevada; it was done in Nevada six years before the ratification of the 19th Amendment to the *United States Constitution* that allowed women the right to vote. It makes me very proud that Nevada was ahead of its time with women's suffrage.

I am happy today to recognize the many women who are out there educating and talking about women's suffrage to make sure that younger women know what it meant to fight for this right, to value it. In looking around this Chamber today we know the women's suffrage movement had a big impact.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Patty Cafferata.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Kathleen Noneman and Gloria Jaureguy.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Karen England, Shari Peterson, Leslie Thomas and Heidi Wixom.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Holly Van Valkenburgh. Also, to Hidden Valley Elementary School students and teachers; students: Kriseyah Alvarez, Kyradela Applebach, Jackie Bacerra, Siana Barajas, Carson Beers, Sarah Bingham, Josh Boyce, Austen Brantner, Ryan Brizuela, Leilani Buentiempo, Kloe Bullock, Eadrian Carreon, Erika Castellanos Najera, Crystal Caycho, Jewelle Cruz, Derrick Dale Ledesma, Sherry Davis, Jessica Esquivel, Juan Franco, Angelo Garbarini, Angel Garcia, Amanda Goforth, Santiago Guzman, Caitlyn Hartman, Kiley Hernandez, Nathan Herr, Andrew Herrick, Samantha Hessler, Devin Huckabey, Aleixis Jara, Keighly Jones, Joseph Keeley, Jacob Kendrick, Derrek Klein, Abby Krause, Jillian Lane, Lizbeth Liquidano, Savannah Lopez, Joshua MacDonald, Alexander Malagar, Julius Malagar, Adrian Mariscal, Michael Matherly, Katelyn McKemy, Natalie Mock, Alexia Morales Silis, Rachel Morton, Sarah Morton, Raina Northrup, Daniel O'Brien, Kiana O'Daye, Jalyn Ponce, Jeanalynn Ramas, Kylee Rather, Zachary Rios, Jason Rojas Jr., Andrew Shelton, Jewel Smith, Alvin Solis, Michael Ta, Noah Tover, Norma Vega Rivera, George Volk, Stephen Wampler, Anthony Wayson, Ian William, Megan Wilson, Edgar Zarate, Hector Zepeda; teachers: Denise Allen, Sarah Roggensack and Greg West.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Isabel Espinoza.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. John Farley.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Barbara Finley.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Partnership of Community Resources students and chaperones; students: Blasé Acolino, Chris Baird, Jarrod Becker, Alana Blakemore, Josh Cassity, Daniel Christensen, Mikayla Cloney, Daija Currey, Karina Diaz, Sarah Encee, Sasha Ewbank, Marissa Flanders, Spencer Flanders, Jennifer Flores, Juli Garcia, Clayton Graver, Amanda Howell, Justin Hubbard, Delphena Hyatt, Sarah Kilpatrick, Denise Lopez, Isabella Lundberg, Sabrina Martinez, Grant McLean, Connor Mone, Audrey Muller, Isabel Munoz, Reece Resnik, Ele Reyes, Sarah Sandell, Rachel Santi, Robin Smuda, Jennie Stokes, Taylor Stokes, Breanna Taylor; chaperones: Marlo Flanders, Tracy Gross, Eva Lundberg, Lea Morgan, Kris Robison and Neyzer Torres.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Donna Clontz.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to Mary Anne Convis.

Senator Denis moved that the Senate adjourn until Tuesday, April 16, 2013, at 11:00 a.m. and that it do so with our thoughts and condolences to the families and the victims at the Boston Marathon; also, with very happy sentiment to one of our colleagues down the hall, Assemblywoman Benitez-Thompson, who had a baby girl this morning.

Motion carried.

Senate adjourned at 4:45 p.m.

Approved: DAVID R. PARKS
President pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate